



**Australian Government**  
**Australian Maritime Safety Authority**

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## **Marine Order 74 (Masters and deck officers — yachts) 2015**

**made under the *Navigation Act 2012***

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Prepared by the Office of Legislative Drafting, Australian Maritime Safety Authority

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## Division 1 Preliminary

### 1 Name of Order

This Order is *Marine Order 74 (Masters and deck officers — yachts) 2015*.

### 2 Purpose

- (1) This Order specifies STCW Convention standards of competence to be attained and other STCW Convention conditions to be satisfied by a person to be a qualified master or deck officer under the Navigation Act for a regulated Australian vessel that is a yacht.

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

*Note* The 2011 edition of the STCW Convention and the STCW Code (including the amendments to the annex known as the 2010 Manila Amendments) can be purchased from the International Maritime Organization. A December 2015 Supplement is also available. See the IMO website at <http://www.imo.org/publications>. The STCW Convention (ATS series number [1984] ATS 7) and STCW Code (ATS series number [1997] ATS 33) including any amendments in force are in the Australian Treaties Series accessible from the Australian Treaties Library on the AustLII website at <http://www.austlii.edu.au>.

### 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, among other things:
    - (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);
  - (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, among other things for certificates, criteria to be satisfied for the issue of certificates;

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- (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, among other things for certificates, for the renewal of certificates.
- (2) Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed, or that are necessary or convenient to be prescribed, for carrying out or giving effect to the Act.
- (3) Subsection 342(1) of the Navigation Act provides that AMSA may make a Marine Order about matters that can be provided for by regulation.

**4 Definitions**

- (1) In this Order:

**length**, for a vessel other than a vessel mentioned in Schedule 1, means the overall length of the vessel.

**LY3 Code** means *LY3 The Large Commercial Yacht Code* published by the Maritime and Coastguard Agency of the United Kingdom in August 2012, as in force from time to time.

**master duties or functions** means the tasks, duties and responsibilities of a master that are specified as competencies in STCW Code, Table A-II/2, column 1.

**monitored**, for a seafarer training course, means monitored by the seafarer training organisation providing the course.

**trainee** means a person who:

- (a) meets the definition of **trainee** in the LY3 Code; and
- (b) is certified by a qualified medical practitioner as being medically fit to be a trainee; and
- (c) has signed an agreement with a vessel's owner or master to travel on the vessel as a trainee.

**watchkeeper deck officer duties or functions** means the tasks, duties and responsibilities of a watchkeeper on the watch that are specified by STCW Code, Table A-II/1, column 1.

**yacht** means a vessel that:

- (a) is less than 3000 GT; and
- (b) is for commercial use for sport or pleasure; and
- (c) does not carry cargo; and
- (d) does not carry more than 12 passengers.

*Note* A yacht need not be designed to carry sail and may be a training vessel, a sail training vessel or a short range yacht.

- (2) For paragraph (b) of the definition of **yacht**, a training vessel is taken to be:
  - (a) used for sport or pleasure; and
  - (b) if trainees are charged fees to travel on the vessel — for commercial use.
- (3) For paragraph (d) of the definition of **yacht**, a trainee of a training vessel is not a passenger of the vessel.
- (4) In this Order, the following terms have the same meaning as in the LY3 Code:

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- (a) sail training vessel;
- (b) sailing vessel;
- (c) short range yacht;
- (d) training vessel.

*Note* The LY3 Code definition of **training vessel** provides that a training vessel may be either a sailing or motor vessel.

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

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

- IMO
- Navigation Act
- STCW Code.

*Note 2* Other terms used in this Order have the same meaning that they have in the Navigation Act, including:

- AMSA
- master
- officer
- regulated Australian vessel
- seafarer
- seafarer certificate
- STCW Convention.

*Note 3* For delegation of AMSA's powers under this Order — see the AMSA website Marine Orders link 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 master or deck officer on a regulated Australian vessel that is a yacht;
- (b) a person who holds a seafarer certificate mentioned in Schedule 1.

## **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 master or deck officer for a regulated Australian vessel that is a yacht 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 — see section 8 of *Marine Order 70 (Seafarer certification) 2014*.

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**Section 7****7 Grades of certificate — permitted duties or functions**

For paragraph 35(1)(a) of the Navigation Act, a person must hold either of the following kinds of seafarer certificates to perform the duties or functions mentioned in Schedule 1 for a regulated Australian vessel that is a yacht:

- (a) if the person is to perform the duties or functions mentioned in Schedule 1 for a grade of certificate — a seafarer certificate of that grade that is mentioned in Schedule 1; or
- (b) a seafarer certificate of a grade mentioned in Schedule 1 of *Marine Order 71 (Masters and deck officers) 2014* that permits the holder to perform the duties or functions.

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

**8 Endorsements of certificates**

- (1) A person who holds a master or deck officer — yachts certificate of competency and performs on a sailing vessel master duties or functions for the grade of certificate must also hold a sailing vessel endorsement of the kind that applies to the vessel.
- (2) A person who holds a seafarer certificate that is a master or deck officer — yachts certificate of competency and performs, on a yacht equipped with ECDIS, duties or functions mentioned in Schedule 1 for the grade of certificate must also hold an endorsement of certificate of proficiency as ECDIS trained.

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**Division 2 Requirements****9 General requirements**

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 master or deck officer for yachts 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.

**10 Qualifying seagoing service — general requirements**

- (1) A qualifying seagoing service eligibility requirement mentioned in Schedule 2 for a certificate must comply with Schedule 3.
- (2) A qualifying seagoing service revalidation requirement mentioned in Schedule 4 for a certificate must comply with Schedule 3.

*Note* See also Subdivision 3.1 of *Marine Order 70 (Seafarer certification) 2014* for the general rules for the calculation of qualifying seagoing service.

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**Section 11**

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**11 Revalidation requirements**

AMSA may revalidate a seafarer certificate as a master or deck officer for yachts or a certificate of recognition of that kind of certificate if satisfied that:

- (a) the certificate is not suspended, cancelled or revoked; and
- (b) the applicant satisfies the revalidation requirements mentioned in Schedule 4.

## Schedule 1 Grades of certificate — permitted duties or functions

(section 7)

Grade of certificate	Permitted duties or functions
Watchkeeper Deck <3000 GT (Yachts)	<p>(a) Watchkeeper deck officer duties or functions on yachts &lt;3000 GT in any operating area</p> <p>(b) Duties as Rating forming part of a navigational watch</p> <p>(c) <b>if endorsed</b>, master duties or functions on yachts &lt;200 GT and &lt;24 m long in any operating area</p> <p><i>Note for paragraph (c)</i> This means a yacht that is less than 24 m in load line length — see definition of length in <i>Marine Order 1 (Administration) 2013</i>.</p>
Chief Mate <3000 GT (Yachts)	<p>(a) Watchkeeper deck officer duties or functions on yachts &lt;3000 GT in any operating area</p> <p>(b) Duties as Rating forming part of a navigational watch</p> <p>(c) <b>if endorsed</b>, master duties or functions on yachts &lt;200 GT and &lt;24 m long in any operating area</p> <p><i>Note for paragraph (c)</i> This means a yacht that is less than 24 m in load line length — see definition of length in <i>Marine Order 1 (Administration) 2013</i>.</p>
Master <500 GT (Yachts)	<p>(a) Master duties or functions on yachts &lt;500 GT in any operating area</p> <p>(b) Watchkeeper deck officer duties or functions on yachts &lt;3000 GT in any operating area</p> <p>(c) Able Seafarer — Deck duties or functions</p>
Master <3000 GT (Yachts)	<p>(a) Master or watchkeeper deck officer duties or functions on yachts &lt;3000 GT in any operating area</p> <p>(b) Able Seafarer — Deck duties or functions</p>



## Schedule 2 Eligibility requirements for certificates

(paragraph 9(b))

Grade of certificate	Eligibility requirements
Watchkeeper Deck <3000 GT (Yachts)	<p>Person must:</p> <ul style="list-style-type: none"> <li>(a) be at least 18 years old; and</li> <li>(b) have completed at least 36 months documented qualifying seagoing service (or at least 18 months if part of an approved and monitored course) performing watchkeeping duties or functions in the deck department on vessels <math>\geq 12</math> m long, of which: <ul style="list-style-type: none"> <li>(i) at least 8 months was served on vessels <math>\geq 20</math> m long on voyages of at least 24 hours duration; and</li> <li>(ii) at least 6 months of the 8 months mentioned in subparagraph (b) (i) was served as: <ul style="list-style-type: none"> <li>(A) understudy of the officer in charge of a navigation watch on a vessel; or</li> <li>(B) an officer in charge of a navigation watch on a vessel, that AMSA considers equivalent to the watchkeeping service mentioned in sub-subparagraph (A); and</li> </ul> </li> </ul> </li> <li>(c) have completed an approved program of study that meets the standards specified in STCW Code section A-II/1 and includes the following: <ul style="list-style-type: none"> <li>(i) an approved course of basic safety training (that complies with STCW Code section A-VI/1 paragraph 2);</li> <li>(ii) security awareness training (that complies with STCW Code section A-VI/6 paragraph 4); and</li> </ul> </li> <li>(d) have completed an approved program of study, that includes vocational training, that complies with STCW Code section A-II/4; and</li> <li>(e) hold the following certificates: <ul style="list-style-type: none"> <li>(i) a certificate of proficiency in survival craft and rescue boats other than fast rescue boats (that complies with STCW Code section A-VI/2 paragraphs 1 to 4);</li> <li>(ii) a GMDSS radio operator certificate (that complies with STCW Code section A-IV/2);</li> <li>(iii) a certificate of medical fitness; and</li> </ul> </li> <li>(f) have passed a final assessment; and</li> <li>(g) <b>for endorsement</b> as Master &lt;200 GT (Yachts) have passed a final assessment for the endorsement</li> </ul> <p>For sub-subparagraph (b)(ii)(A), the service as an understudy of an officer in charge of a navigational watch must be performed while</p>

Grade of certificate	Eligibility requirements
Chief Mate <3000 GT (Yachts)	<p>completing an approved deck watchkeeper understudy program and the seagoing service:</p> <ul style="list-style-type: none"> <li>(a) is performed: <ul style="list-style-type: none"> <li>(i) in the deck department; and</li> <li>(ii) in shifts of at least 4 hours; and</li> </ul> </li> <li>(b) includes the following: <ul style="list-style-type: none"> <li>(i) 100 hours performing duties as lookout;</li> <li>(ii) 100 hours performing duties in daylight hours;</li> <li>(iii) 100 hours performing duties in darkness;</li> <li>(iv) 180 hours performing watchkeeping duties under supervision.</li> </ul> </li> </ul> <p><i>Note</i> See subsection 20(4) of <i>Marine Order 11 (Living and working conditions on vessels) 2015</i> for when seafarers under 18 may perform night work for training purposes for approved programs.</p> <p>Person must:</p> <ul style="list-style-type: none"> <li>(a) satisfy the eligibility requirements for a Watchkeeper Deck &lt;3000 GT (Yachts) certificate mentioned in paragraphs (a) to (e); and</li> <li>(b) include in the approved program of study mentioned in paragraph (c) for that certificate: <ul style="list-style-type: none"> <li>(i) training in advanced fire fighting (that complies with STCW Code section A-VI/3); and</li> <li>(ii) training in medical first aid (that complies with STCW Code section A-VI/4 paragraphs 1 to 3); and</li> </ul> </li> <li>(c) have passed a final assessment; and</li> <li>(d) <b>for endorsement</b> as Master &lt;200 GT (Yachts) have passed a final assessment for the endorsement.</li> </ul> <p><i>Note for paragraph (a)</i> The eligibility requirements for a Watchkeeper Deck &lt;3000 GT (Yachts) certificate include holding a certificate of medical fitness.</p>
Master <500 GT (Yachts)	<p>Person must:</p> <ul style="list-style-type: none"> <li>(a) hold or have held: <ul style="list-style-type: none"> <li>(i) a Watchkeeper Deck &lt;3000 GT (Yachts) certificate of competency; or</li> <li>(ii) another certificate AMSA considers at least equivalent to a certificate mentioned in subparagraph (i); and</li> </ul> </li> <li>(b) have completed at least 12 months documented qualifying seagoing service as an officer in charge of a navigation watch on vessels of <math>\geq 12</math> m long: <ul style="list-style-type: none"> <li>(i) of which at least 4 months was served on vessels <math>\geq 20</math> m long and at least 4 months was served on vessels on voyages of at least 24 hours duration; and</li> <li>(ii) while holding a certificate mentioned in paragraph (a); and</li> </ul> </li> </ul>

Grade of certificate	Eligibility requirements
Master <3000 GT (Yachts)	<p>(c) have completed an approved program of study that meets the standards specified in section A-II/1 and the relevant section in A-II/2 of the STCW Code and includes the following:</p> <ul style="list-style-type: none"> <li>(i) approved modules in command navigation, shipmasters business and management, and vessel operations and administration;</li> <li>(ii) an approved course of basic safety training (that complies with STCW Code section A-VI/1 paragraph 2);</li> <li>(iii) training in advanced fire fighting (that complies with STCW Code A-VI/3);</li> <li>(iv) training in medical care on board ship (that complies with STCW Code section A-VI/4 paragraphs 4 to 6);</li> <li>(v) security awareness training (that complies with STCW Code section A-VI/6 paragraph 4); and</li> </ul> <p>(d) have completed an approved program of study, that includes vocational training, that complies with STCW Code section A-II/4; and</p> <p>(e) hold the following certificates:</p> <ul style="list-style-type: none"> <li>(i) a certificate of proficiency in survival craft and rescue boats other than fast rescue boats (that complies with STCW Code section A-VI/2 paragraphs 1 to 4);</li> <li>(ii) a certificate of proficiency as ECDIS trained;</li> <li>(iii) a GMDSS radio operator certificate (that complies with STCW Code section A-IV/2);</li> <li>(iv) a certificate of medical fitness; and</li> </ul> <p>(f) have passed a final assessment</p> <p>Person must:</p> <ul style="list-style-type: none"> <li>(a) hold or have held: <ul style="list-style-type: none"> <li>(i) a Master &lt;500 GT (Yachts) certificate of competency; or</li> <li>(ii) another certificate AMSA considers at least equivalent to a certificate mentioned in subparagraph (i); and</li> </ul> </li> <li>(b) have completed at least 24 months documented qualifying seagoing service in charge of a navigation watch on vessels <math>\geq 12</math> m long, of which at least 8 months was served on vessels <math>\geq 20</math> m long, while holding any of the following certificates: <ul style="list-style-type: none"> <li>(i) a certificate of competency as Watchkeeper Deck &lt;3000 GT (Yachts), Master &lt;500 GT (Yachts) or Chief Mate &lt;3000 GT (Yachts); or</li> <li>(ii) another certificate AMSA considers at least equivalent to a certificate mentioned in sub-subparagraph (A); and</li> </ul> </li> <li>(c) have completed an approved program of study that meets the relevant standards specified in section A-II/1 and section A-II/2</li> </ul>

Grade of certificate	Eligibility requirements
	<p>of the STCW Code and includes the following:</p> <ul style="list-style-type: none"> <li>(i) approved modules in command navigation, shipmasters business and management, and vessel operations and administration;</li> <li>(ii) training in advanced fire fighting (that complies with STCW Code A-VI/3);</li> <li>(iii) training in medical care on board ship (that complies with STCW Code section A-VI/4 paragraphs 4 to 6);</li> <li>(iv) security awareness training (that complies with STCW Code section A-VI/6 paragraph 4); and</li> </ul> <p>(d) have completed an approved program of study, that includes vocational training, that complies with STCW Code section A-II/4; and</p> <p>(e) hold the following certificates:</p> <ul style="list-style-type: none"> <li>(i) a certificate of proficiency in survival craft and rescue boats other than fast rescue boats (that complies with STCW Code section A-VI/2 paragraphs 1 to 4);</li> <li>(ii) a certificate of proficiency as ECDIS trained;</li> <li>(iii) a GMDSS General Radio Operators Certificate (that complies with STCW Code section A-IV/2);</li> <li>(iv) a certificate of medical fitness; and</li> </ul> <p>(f) have passed a final assessment</p>

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## **Schedule 3    Qualifying seagoing service — general requirements**

(section 10)

- 3.1 Service must have been performed as a master, deck officer, trainee deck officer, deck cadet or rating.
- 3.2 Qualifying seagoing service is calculated as follows:
  - (a) if the person is undertaking master or deck officer 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 master or deck officer 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, sea 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 11 (b))

- 4.1 The person must have at least 1 of the following:
- (a) documented qualifying seagoing service calculated in the same way as required for the issue of the certificate to be revalidated, of:
    - (i) 12 months in the 5 years before the application for revalidation; or
    - (ii) 3 months in the 6 months before the application for revalidation;
  - (b) completed, within the 5 years before the date of applying for revalidation of the certificate, an approved revalidation course appropriate for the grade of certificate to be revalidated;
  - (c) performed duties or functions and completed approved courses appropriate for the grade of certificate to be revalidated that together AMSA considers at least equivalent to the service mentioned in paragraph (a);
  - (d) within the 5 years before the date of applying for revalidation of the certificate:
    - (i) completed approved short courses appropriate for the grade of certificate; and
    - (ii) have passed a final assessment.
- 4.2 The person must hold the following certificates:
- (a) a certificate of medical fitness;
  - (b) a GMDSS General Radio Operators Certificate (that complies with STCW Code section A-IV/2).
- 4.3 The person must have maintained the STCW Code required standard of competence in security awareness (as specified in STCW Code Table A-VI/6-1).
- 4.4 If the certificate to be revalidated is a Watchkeeper Deck <30000 GT (Yachts) certificate of competency, the person must also have maintained the STCW Code required standard of competence in:
- (a) fire prevention and fire fighting (as specified in STCW Code Table A-VI/1-2); and
  - (b) proficiency in survival craft and rescue boats other than fast rescue boats (as specified in STCW Code Table A-VI/2-1).
- 4.5 If the certificate to be revalidated is a Chief Mate <3000 GT (Yachts), Master <500 GT (Yachts) or a Master <3000 GT (Yachts) certificate of competency, the person must also have maintained the STCW Code required standard of competence in:
- (a) advanced firefighting (as specified in STCW Code Table A-VI/3); and
  - (b) proficiency in survival craft and rescue boats other than fast rescue boats (as specified in STCW Code Table A-VI/2-1).
- 4.6 If the person is to undertake duties or functions on ECDIS equipped vessels, the person must hold a certificate of proficiency as ECDIS trained.

## Notes to *Marine Order 74 (Masters and deck officers — yachts) 2015*

### Note 1

*Marine Order 74 (Masters and deck officers — yachts) 2015* (in force under subsection 342(1) of the *Navigation Act 2012*) as shown in this compilation comprises *Marine Order 74 (Masters and deck officers — yachts) 2015* amended as indicated in the following tables.

### Table of Orders

Year and number	Registration date	FRLI number	Commencement date	Application, saving or transitional provisions
<i>Marine Order 74 (Masters and deck officers — yachts) 2015</i> (MO 2015/6)	1 Dec 2015	F2015L01895	1 January 2016	—
<i>Marine Order 75 (Seafarer certification amendment) 2016</i> (MO 2016/5)	9 June 2016	F2016L01017	10 June 2016	—

### Table of amendments

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision affected	How affected
1A .....	rep. <i>Legislation Act 2003</i> , s48D
2.....	am. MO2016/5