



Australian Government
Australian Maritime Safety Authority

AMSA instrument 2017/6

Marine Orders Delegation 2017 (No. 1)

I, Michael Kinley, Chief Executive Officer of the Australian Maritime Safety Authority, under section 58 of the *Australian Maritime Safety Authority Act 1990*:

- (a) revoke *Marine Orders Delegation 2016 (No. 4)*; and
- (b) delegate to each person holding or performing the duties of a position in AMSA mentioned in an item of Schedule 1 each power of AMSA under a Marine Order (including orders made under the *Navigation Act 1912* having effect under subsection 342(2) of the *Navigation Act 2012*) mentioned in the item for the position.

This instrument commences when it is made.

19 April 2017

Michael Kinley
Chief Executive Officer

Schedule 1 Marine Orders

In this Schedule:

DCEO means the Deputy Chief Executive Officer.

Examiner means an AMSA employee appointed by AMSA to conduct examinations under *Marine Order 70 (Seafarer certification) 2014*.

GMO means the General Manager Operations.

GMR means the General Manager Response.

GMS means the General Manager Standards.

HOSC means the Head of Seafarer Certification, Operations.

MCP means the Manager Coastal Pilotage, Operations.

MES means the Manager Environment Standards, Standards.

MSCS means the Manager Seafarer Certification Service, Operations.

MSIR means the Manager Ship Inspection and Registration, Operations.

MSS means the Manager Systems Safety, Standards.

MVO means the Manager Vessel Operations, Operations.

PAVTS means the Principal Advisor Vessel Traffic Services, Standards.

PAEQ means the Principal Advisor Engineering Qualifications, Operations.

PANQ means the Principal Advisor Nautical Qualifications, Operations or Principal Advisor Engineering Qualifications, Operations.

Note 1 Under subsection 49(4) of the *Australian Maritime Safety Authority Act 1990*, the Chief Executive is able to exercise all the powers and functions of the Authority.

Note 2 Under subsection 58(1) of the *Australian Maritime Safety Authority Act 1990*, AMSA may, by written instrument, delegate to a person all or any of its powers under that Act or any other Act.

Note 3 The description of powers in this Schedule should be used as a guide only. The relevant provision should be consulted for an exact specification of the power.

Item	Provision	Description of power	Position
	<p>A Marine Order that provides for a person to apply in accordance with the application process mentioned in <i>Marine Order 1 (Administration) 2013</i></p> <p><i>Note 1</i> Some Marine Orders currently identify the decision-maker for an application as the holder of a position in AMSA. In those cases, the decision-maker is as shown in the Marine Order and this delegation does not apply. Marine Orders are being progressively changed to identify AMSA as the decision-maker. If AMSA is identified as the decision-maker, this delegation applies.</p> <p><i>Note 2</i> The position of Manager, Ship Operations and Qualifications is currently identified in Marine Order 9 as a decision-maker, but this position has been replaced by the positions of Manager Ship Operations, Operations and Manager Seafarer Certification Service, Operations.</p> <p><i>Note 3</i> A reference in a Marine Order to <i>Marine Order 1 (Administration) 2011</i> is taken to be a reference to <i>Marine Order 1 (Administration) 2013</i> — see s 39(2) of <i>Marine Order 1 (Administration) 2013</i>.</p>		
1	Each provision of a Marine Order that provides for a person to apply in accordance with the application process mentioned in <i>Marine Order 1 (Administration) 2013</i>	Decide the application	MSIR, except in the cases mentioned in this Schedule
	<p><i>Example</i></p> <p>Section 9 of <i>Marine Order 97 (Marine pollution prevention — air pollution) 2013</i> provides that a person may apply, in accordance with the application process set out in <i>Marine Order 1 (Administration) 2013</i>, for approval for an equivalent (in accordance with regulation 4 of Annex VI to the International Convention for the Prevention of Pollution from Ships) to be used.</p> <p><i>Marine Order 1 (Administration) 2013</i></p>		
2	s 17(2)	Review a reviewable decision	GMS, GMO or GMR — if the decision is made by a person not occupying the position of GMS, GMO or GMR DCEO — if the decision is made by a person occupying the position of GMS, GMO or GMR

Item	Provision	Description of power	Position
Marine Order 9 (Health — medical fitness) 2010			
3	s 8A.1	Appoint a person as a medical inspector	MSCS
Marine Order 11 (Living and working conditions on vessels) 2015			
4	s 8(2)	Approve an equivalent	MSIR MVO
5	s 16(2)	Register a service	MVO
6	s 18	Suspend or revoke registration of service	MVO
7	s 35	Repatriate a seafarer	GMO MVO
Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2016			
8	cl 1.6(3) of Schedule 1	Approve sounding tubes	MSIR
Marine Order 16 (Load lines) 2014			
9	Each provision that sets out a power that may be exercised by AMSA	See provision	MSIR
<i>Note</i> Most of the powers of AMSA under this Order are powers of AMSA as an issuing body — see definition of <i>issuing body</i> in s 14(1) of the <i>Navigation Act 2012</i> .			
Marine Order 19 (Tonnage) 2014			
10	s 7(2)	Determine tonnage	MSIR
Marine Order 21 (Safety and emergency arrangements) 2016			
11	s 10(2)	Determine that a vessel must carry master and crew who hold specified certificates of competency	MVO
12	s 14(2)	Exempt vessels on voyages of short duration from requirements for checking and testing of steering gear	MVO

Item	Provision	Description of power	Position
Marine Order 27 (Safety of navigation and radio equipment) 2016			
13	s 16(6)	Agree to master proceeding to port for navigational equipment repairs	MSIR
14	s 20(5)	Approve training course	MSCS HOSC
Marine Order 28 (Operations standards and procedures) 2015			
15	s 6(2)	Approve an exemption	MVO
Marine Order 31 (Vessel surveys and certification) 2015			
16	Each provision that sets out a power that may be exercised by AMSA	See provision	MSIR
<i>Note</i> Powers of AMSA under this Order include powers of AMSA as an issuing body — see definition of <i>issuing body</i> in s 14(1) of the <i>Navigation Act 2012</i> .			
Marine Order 34 (Solid bulk cargoes) 2016			
17	s 9	Approve arrangement for transport of solid bulk cargo for the IMSBC Code	MSIR
Marine Order 35 (Additional safety measures for bulk carriers) 2014			
18	s 18(2)	Issue statement for carrying dry cargoes in bulk	MSIR
Marine Order 42 (Carriage, stowage and securing of cargoes and containers) 2016			
19	Each provision that sets out a power that may be exercised by AMSA	See provision	MSIR
Marine Order 49 (High-speed craft) 2015			
20	Each provision that sets out a power that may be exercised by AMSA	See provision	MSIR

Item	Provision	Description of power	Position
Marine Order 52 (Yachts and training vessels) 2016			
21	Each provision that sets out a power that may be exercised by AMSA	See provision	MSIR
<i>Note</i> Powers of AMSA under this Order include powers of AMSA as an issuing body — see definition of <i>issuing body</i> in s 14(1) of the <i>Navigation Act 2012</i> .			
Marine Order 54 (Coastal pilotage) 2014			
22	Each provision that sets out a power that may be exercised by AMSA	See provision	GMO
23	Each provision that sets out a power that may be exercised by AMSA, other than sections 65 and 83	See provision	MCP
Marine Order 58 (Safe management of vessels) 2015			
24	Each provision that sets out a power that may be exercised by AMSA	See provision	MVO
Marine Order 64 (Vessel traffic services) 2013			
25	Each provision that sets out a power that may be exercised by AMSA	See provision	MSS
26	Each provision that sets out a power that may be exercised by AMSA, other than sections 17 and 29	See provision	PAVTS
Marine Order 70 (Seafarer certification) 2014			
27	Each provision that sets out a power that may be exercised by AMSA, other than section 4, definition of <i>examiner</i> and subsections 48(1) and (2), 49(1), 53(1), 55(1) and 60(2)		GMO MSCS HOSC PANQ Examiner

Item	Provision	Description of power	Position
28	s 4, definition of <i>examiner</i>	Appoint a suitably qualified AMSA employee as an examiner	GMO MSCS HOSC
29	s 48(1)	Give person regulatory action notice	GMO MSCS HOSC
30	s 48(2)	Take regulatory action against person holding seafarer certificate or certificate of recognition	GMO MSCS HOSC
31	s 49(1)	Suspend seafarer certificate by giving person immediate suspension notice	GMO MSCS HOSC
32	s 53(1)	Decide an application for approval or renewal of approval to provide seafarer training course	GMO MSCS HOSC
33	s 55(1)	Cancel or suspend approval to provide seafarer training course	GMO MSCS HOSC
34	s 60(2)	Conduct internal review of decision mentioned in Schedule 1 of <i>Marine Order 70 (Seafarer certification) 2014</i>	GMO if the General Manager did not make the initial decision MSCS if the Manager did not make the initial decision HOSC if the HOSC did not make the initial decision
<i>Marine Order 71 (Masters and deck officers) 2014</i>			
35	Each provision that sets out a power that may be exercised by AMSA	See provision	MSCS HOSC PANQ
<i>Marine Order 72 (Engineer officers) 2014</i>			
36	Each provision that sets out a power that may be exercised by AMSA	See provision	HOSC PAEQ

Item	Provision	Description of power	Position
Marine Order 73 (Ratings) 2014			
37	Each provision that sets out a power that may be exercised by AMSA	See provision	MSCS HOSC PANQ
Marine Order 74 (Master and deck officers — yachts) 2015			
38	Each provision that sets out a power that may be exercised by AMSA	See provision	MSCS HOSC PANQ
Marine Order 91 (Marine pollution prevention — oil) 2014			
39	Each provision that sets out a power that may be exercised by AMSA	See provision	MSIR
<i>Note</i> Some of the powers of AMSA under this Order are powers of AMSA as an issuing body — see definition of <i>issuing body</i> in s 14(1) of the <i>Navigation Act 2012</i> .			
Marine Order 93 (Marine pollution prevention — noxious liquid substances) 2014			
40	Each provision that sets out a power that may be exercised by AMSA	See provision	MSIR
<i>Note</i> The power of AMSA under s 15 of this Order is a power of AMSA as an issuing body — see definition of <i>issuing body</i> in s 14(1) of the <i>Navigation Act 2012</i> .			
Marine Order 96 (Marine pollution prevention — sewage) 2013			
41	Each provision that sets out a power that may be exercised by AMSA	See provision	MSIR
Marine Order 97 (Marine pollution prevention — air pollution) 2013			
42	s 9(3)	Give a waiver in accordance with reg 19 of Annex VI of SOLAS from a requirement of the Order	MSIR
43	s 37(1)(b)	Approve an electronic recording system	MSIR MES