



Australian Government
Australian Maritime Safety Authority

AMSA instrument 2016/13

Marine Orders Delegation 2016 (No. 4)

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. 3)* and *Marine Order 54 (Coastal pilotage) Delegation 2014*; 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.

1 December 2016

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.

Manager, CPS means the Manager, Coastal Pilotage Services, Operations.

Manager, MES means the Manager, Marine Environment Standards, Standards.

Manager, SCS means the Manager, Seafarer Certification Services, Operations.

Manager, SI&R means the Manager, Ship Inspection and Registration, Operations.

Manager, SS means the Manager, Systems Safety, Standards.

Manager, VO means the Manager, Vessel Operations, Operations.

PA, VTS 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 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	Manager, SI&R, 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 the owner of a vessel 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 fitted or used.</p> <p><i>Marine Order 1 (Administration) 2013</i></p>			
2	s 17(2)	Review a reviewable decision	GMS, GM SS or GMR — if the decision is made by a person not occupying the position of GM NSIR, GMO or GMR DCEO — if the decision is made by a person occupying the position of

Item	Provision	Description of power	Position
			GMS, GMO or GMR
	Marine Order 9 (Health — medical fitness) 2010		
3	s 8A.1	Appoint a person as a medical inspector	Manager, SCS
	Marine Order 11 (Living and working conditions on vessels) 2015		
4	s 8(2)	Approve an equivalent	Manager, SI&R Manager, VO
5	s 16(2)	Register a service	Manager, VO
6	s 18	Suspend or revoke registration of service	Manager, VO
7	s 35	Repatriate a seafarer	GMO Manager, VO
	Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2016		
8	cl 1.6(3) of Schedule 1	Approve sounding tubes	Manager, SI&R
	Marine Order 16 (Load lines) 2014		
9	Each provision that sets out a power that may be exercised by AMSA	See provision	Manager, SI&R
	<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 s14(1) of the <i>Navigation Act 2012</i> .		
	Marine Order 19 (Tonnage) 2014		
10	s 7(2)	Determine tonnage	Manager, SI&R
	Marine Order 21 (Safety and emergency arrangements) 2016		
11	s 10(2)	Determine a master and crew a vessel must carry who hold specified certificates of competency	Manager, SCS
12	s 14(2)	Exempt vessels on voyages of short duration from requirements for checking and testing of steering gear	Manager, VO

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	Manager, SI&R
14	s 20(5)	Approve training course	Manager, SCS
Marine Order 28 (Operations standards and procedures) 2015			
15	s 6(2)	Approve an exemption	Manager, VO
Marine Order 31 (Vessel surveys and certification) 2015			
16	Each provision that sets out a power that may be exercised by AMSA	See provision	Manager, SI&R
<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 s14(1) of the <i>Navigation Act 2012</i> .			
Marine Order 35 (Additional safety measures for bulk carriers) 2014			
17	s 18(2)	Issue statement for carrying dry cargoes in bulk	Manager, SI&R
Marine Order 42 (Carriage, stowage and securing of cargoes and containers) 2016			
18	Each provision that sets out a power that may be exercised by AMSA	See provision	Manager, SI&R
Marine Order 49 (High-speed craft) 2015			
19	Each provision that sets out a power that may be exercised by AMSA	See provision	Manager, SI&R
Marine Order 52 (Yachts and training vessels) 2016			
20	Each provision that sets out a power that may be exercised by AMSA	See provision	Manager, SI&R
<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 s14(1) of the <i>Navigation Act 2012</i> .			
Marine Order 54 (Coastal pilotage) 2014			
21	Each provision that sets out a power that may be exercised by AMSA	See provision	GMO

Item	Provision	Description of power	Position
22	Each provision that sets out a power that may be exercised by AMSA, other than sections 65 and 83	See provision	Manager, CPS
Marine Order 58 (Safe management of vessels) 2015			
23	Each provision that sets out a power that may be exercised by AMSA	See provision	Manager, VO
Marine Order 64 (Vessel traffic services) 2013			
24	Each provision that sets out a power that may be exercised by AMSA	See provision	Manager, CPS Manager, SS
25	Each provision that sets out a power that may be exercised by AMSA, other than sections 17 and 29	See provision	PA, VTS
Marine Order 70 (Seafarer certification) 2014			
26	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 Manager, SCS PANQ Examiner
27	s 4, definition of <i>examiner</i>	Appoint a suitably qualified AMSA employee as an examiner	GMO Manager, SCS
28	s 48(1)	Give person regulatory action notice	GMO Manager, SCS
29	s 48(2)	Take regulatory action against person holding seafarer certificate or certificate of recognition	GMO Manager, SCS
30	s 49(1)	Suspend seafarer certificate by giving person immediate suspension notice	GMO Manager, SCS
31	s 53(1)	Decide an application for approval or renewal	GMO

Item	Provision	Description of power	Position
		of approval to provide seafarer training course	Manager, SCS
32	s 55(1)	Cancel or suspend approval to provide seafarer training course	GMO Manager, SCS
33	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 Manager, SCS if the Manager did not make the initial decision
<i>Marine Order 71 (Masters and deck officers) 2014</i>			
34	Each provision that sets out a power that may be exercised by AMSA	See provision	Manager, SCS PANQ
<i>Marine Order 72 (Engineer officers) 2014</i>			
35	Each provision that sets out a power that may be exercised by AMSA	See provision	PAEQ
<i>Marine Order 73 (Ratings) 2014</i>			
36	Each provision that sets out a power that may be exercised by AMSA	See provision	Manager, SCS PANQ
<i>Marine Order 74 (Master and deck officers — yachts) 2015</i>			
37	Each provision that sets out a power that may be exercised by AMSA	See provision	Manager, SCS PANQ
<i>Marine Order 91 (Marine pollution prevention — oil) 2014</i>			
38	Each provision that sets out a power that may be exercised by AMSA	See provision	Manager, SI&R

Note Some of the powers of AMSA under this Order are powers of AMSA as an issuing body — see definition of *issuing body* in s14(1) of the *Navigation Act 2012*.

Item	Provision	Description of power	Position
<i>Marine Order 93 (Marine pollution prevention — noxious liquid substances) 2014</i>			
39	Each provision that sets out a power that may be exercised by AMSA	See provision	Manager, SI&R
<i>Note</i> The power of AMSA under s15 of this Order is a power of AMSA as an issuing body — see definition of <i>issuing body</i> in s14(1) of the <i>Navigation Act 2012</i> .			
<i>Marine Order 96 (Marine pollution prevention — sewage) 2013</i>			
40	Each provision that sets out a power that may be exercised by AMSA	See provision	Manager, SI&R
<i>Marine Order 97 (Marine pollution prevention — air pollution) 2013</i>			
41	s 9(3)	Give a waiver in accordance with reg 19 of Annex VI of SOLAS from a requirement of the Order	Manager, SI&R
42	s 37(1)(b)	Approve an electronic recording system	Manager, SI&R Manager, MES
