



Australian Government
Australian Maritime Safety Authority

AMSA EX31

Marine Safety (Expired pre-USL Code certificates) Exemption 2022

I, Michael Kinley, Chief Executive Officer of the Australian Maritime Safety Authority (the National Marine Safety Regulator under section 9 of the *Marine Safety (Domestic Commercial Vessel) National Law*), make this instrument under subsection 143(1) of the *Marine Safety (Domestic Commercial Vessel) National Law*.

16 November 2022

Michael Kinley
Chief Executive Officer

1 Name of instrument

This instrument is *Marine Safety (Expired pre-USL Code certificates) Exemption 2022*.

2 Duration

This instrument commences on 1 January 2023 and ceases to have effect at the end of 30 June 2025.

3 Repeal

Marine Safety (Expired pre-USL Code certificates) Exemption 2020 is repealed.

4 Definitions

In this instrument:

Marine Order 505 means *Marine Order 505 (Certificates of competency — national law) 2022*.

national law means the *Marine Safety (Domestic Commercial Vessel) National Law — see Schedule 1 to the Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

National Regulator means the Australian Maritime Safety Authority — see section 9 of the national law.

pre-USL Code certificate means a certificate of competency (however described) that:

- (a) was issued by the maritime safety authority of a State or the Northern Territory before 1 July 2013; and
- (b) was based on competencies recognised in a certificate (however described) issued before the USL Code commenced; and
- (c) entitled the holder to be the master, engineer or coxswain of a domestic commercial vessel that is a fishing vessel; and
- (d) ceased to have effect before 1 January 2014.

specified operation means an operation, as master, engineer or coxswain of a domestic commercial vessel that is a fishing vessel.

USL Code means the Uniform Shipping Laws Code previously adopted by the Australian Transport Council established by the Council of Australian Governments.

5 Exemptions

- (1) A person who held a pre-USL Code certificate is exempt from the requirement to hold a certificate of competency that would be required for the specified operation, if:
 - (a) the person performed the operation in the 5 years ending on 30 June 2013; and
 - (b) the person has continued to perform the operation in the same capacity, and within the same limitations, provided on the pre-USL Code certificate of competency; and
 - (c) if the pre-USL Code certificate expired before 30 December 2013 — the person has accrued in accordance with Schedule 4 of Marine Order 505, qualifying sea service as master, engineer or coxswain of commercial fishing vessels for 120 days in the 5 years before the application for approval; and
 - (d) the National Regulator approves in writing the specified operation.

Note A fee may be charged — under section 150 of the national law, the National Regulator may prescribe fees for things done by the National Regulator.

- (2) A person who held a pre-USL Code certificate is exempt from the requirement to meet the criteria mentioned in Schedule 3 of Marine Order 505 for a certificate of competency that would be required for the specified operation, if the person meets the eligibility criteria that applied to the pre-USL Code certificate of competency on 31 December 2008.
- (3) For paragraph (1)(d), an approval given under the following is taken to be in effect under this instrument if it is in effect and has not expired:
 - (a) *Marine Safety (Expired pre-USL Code certificates) Exemption 2020*;
 - (b) *Marine Safety (Expired pre-USL Code certificates) Exemption 2017*;
 - (c) *Marine Safety (Expired pre-USL Code certificates) Exemption 2013*.
- (4) A person who relies on the exemption in subsection (2), is also exempt from a requirement in Marine Order 505 to hold a current *Certificate of Medical Fitness Domestic Seafarers* if the person makes a declaration of medical fitness in the approved form.

Note The approved form is available from the AMSA website at <http://www.amsa.gov.au>.

6 Conditions

A person who operates under an exemption mentioned in section 5 must tell the National Regulator in writing if the person becomes aware of a medical condition that may affect their ability to operate a vessel.