

## AMSA REGULATORY CHANGE SUMMARY

### *Marine Safety (Emergency service vessels) Exemption 2024* review and reissue

#### Who does Exemption 24 apply to?

*Marine Safety (Emergency service vessels) Exemption 2024 (Exemption 24)* applies to:

- a. volunteer marine rescue (VMR) organisations
- b. fire service organisations
- c. emergency service organisations (ESO).

#### When will the changes start?

Exemption 24 is scheduled to commence on 1 July 2025.

#### What are the key changes?

Exemption 24 has not undergone a substantial review since 2016. This review has provided an opportunity to ensure the policy and content remains fit for purpose, remove obsolete provisions, and simplify the emergency service arrangements. The key proposed changes to Exemption 24 include:

- Applying consistent competency requirements for volunteer emergency services by broadening the VMR allowances to include:
  - volunteer emergency service organisations' crew (e.g. State Emergency Service (SES) and volunteer fire service organisations)
  - professional surf lifesavers
  - volunteer crew of other emergency service organisations (e.g. government authorities)
- Changing the application process for individual emergency service authority certificate of competency exemptions
- Clarifying activities that can be conducted under the exemption
- Additional flexibility to account for state governance arrangements
- Additional training for vessels 12m to <24m long
- Clarifying radio requirements for lower-level duties
- Making it easier to share crew between emergency organisations
- Removal of unnecessary certificate of survey allowances from Exemption 24 and Exemption 02.

These proposals are outlined in further detail in the table below.

Consistent volunteer emergency services competency requirements
<p>The current Exemption 24 has different crewing arrangements for emergency service authorities, VMR organisations and fire service organisations. The proposed changes would apply consistent requirements across the volunteer emergency services sector by expanding the VMR allowances to exempt the following crew from holding a certificate of competency:</p> <ul style="list-style-type: none"> <li>• <u>volunteer ESOs</u> such as the SES, volunteer fire service organisations and VMR - all staff/crew</li> <li>• <u>non-volunteer ESOs</u> such as government agencies - volunteer crew only</li> <li>• <u>professional surf lifesavers.</u></li> </ul> <p>This change intends to create one set of arrangements for all emergency volunteers, providing consistency and setting out appropriate allowances. This will be particularly beneficial for remote areas operations whose volunteer crew can work across multiple agencies and will be able to apply a single set of rules.</p> <p>The provisions will also extend to professional surf lifesavers who are often issued specific exemptions to align with Exemption 24 competency requirements.</p> <p>Individuals not covered by the Exemption 24 changes would need to meet the National Law crewing requirements or, if applicable, apply for a specific exemption, also known as a SPEX. This aligns with the general intent of the National Law, where government and commercial activity should comply with the National Law requirements.</p> <p>There are five overarching categories of duties/operations with specific requirements/training. These include:</p> <ol style="list-style-type: none"> <li>1. Crew or deckhand</li> <li>2. Master inland operations / PWC</li> <li>3. Master up to 3 nm from shore or sheltered waters</li> <li>4. Master beyond 3 nm from shore or sheltered waters</li> <li>5. Master &amp; crew of vessels 12m -24m</li> </ol> <p>The master of inland operations /PWC provisions are minimum requirements and individuals may alternatively meet the master up to 3nm competency requirements or above.</p> <p>Individuals certified, prior to 1 July 2018, by the VMR organisation as competent to operate a vessel will be able to continue to carry out duties in accordance with the initial certification.</p> <p>Note: Holders of an AMSA issued certificate of competency do not need to operate under the limitations of Exemption 24. They can conduct operations in accordance with the general National Law requirements, provided the vessel is also certified for the operation.</p>
Clarifying activities that can be conducted under Exemption 24
<p>Exemption 24 currently permits search and rescue (SAR), associated activities, and GST-free commercial activities that are conducted in accordance with the <i>A New Tax System Act</i>. The reference to GST-free commercial activities has led to confusion and inconsistent interpretation. This review has sought to provide a simpler approach to identifying activities that may be conducted under the exemption and those that require full adherence to the National Law.</p> <p>The proposed changes also seek to realign the instrument with the primary intent of Exemption 24, to facilitate emergency response. The changes clarify that eligible vessels can conduct search, rescue, emergency or disaster or response activities, fire-fighting, mitigate threats to public safety, and other incidental activities under the exemption.</p> <p>The following information provides additional context on the intent of the exemption. This information will be outlined in industry guidance material. It is not intended to provide a comprehensive list of permitted activities.</p>

### Examples of permitted and incidental activities may include

- Response to on-water & land emergencies
- Transport of volunteers, employees and other emergency personnel and equipment to help with SAR, fire-fighting and emergency activities
- Assistance to government agencies, non-government and others in relation to SAR, evacuations, fires or emergency events
- Response to urgent incidents or situations
- Emergency towing to a practical safe haven
- Response/assistance with oil/fuel spills
- Fleet maintenance
- Recruitment activities
- Training of volunteers and employees of organisation
- Safety awareness programs
- Support at community events
- Vessel escort e.g. crossing a barway
- Safety patrols
- Carriage of government members/media representatives (situation relevant)
- Vessel sea trials and vessel delivery

Exemption 24 facilitates essential emergency services to ensure the safety of life in inland waterways and at sea. Dependent on the organisation's authorisation, emergencies may relate to protection of people, animals, or property. Authority is provided by the State authorities such as under the emergency management plan, or as requested by the relevant authority (e.g. police) during an emergency.

Permitted activities include unexpected events that have a high likelihood of developing into an emergency without emergency services intervention. It is impractical to account for every situation. Rescue crews will need to make decisions on a case-by-case basis as to whether the operation is considered a permitted activity and why.

A parent and/or support person of a child/injured person can be carried during a rescue operation and should be considered the same category as the rescued person (i.e. rescued person, not a passenger).

#### Towing

Towing is a higher risk activity. The proposed Exemption 24 allows for emergency towing but not for other towing activities, such as salvage operations or towing for convenience, which must be conducted under the general National Law provisions.

Responding to a potential marine pollution event, preventing a drifting vessel from becoming a navigation hazard or damaging marine infrastructure may be considered acceptable incident responses. Responding to situations that could lead to a more dangerous recovery if delayed, may also be considered an acceptable incident response. For example, whilst passengers may not be in immediate danger during a vessel break down, if there are no commercial operators available to assist in an appropriate timeframe and the situation is likely to lead to a more dangerous recovery if delayed, this may be considered an appropriate incident response.

#### Charging for services / fundraising

The purpose of Exemption 24 is to assist volunteer organisations to provide important emergency services. Activities under Exemption 24 are to be conducted without consideration. This means that a service is provided without a promise or receipt of payment, goods, services or other thing of value. Whilst pre-arranged fees or fee for service activities must not be conducted, Exemption 24 does not intend to restrict acceptance of unsolicited donations or the government funding of emergency service operations.

Examples of acceptable fundraising may occur through unsolicited donations during permitted activities such as 'come and try' recruitment drives, or attendance at community events. The vessel must be certified to carry any passengers where relevant. Attendance at an organised event should not interfere with core SAR/emergency activities.

#### Commercial services

Commercial services must be conducted in accordance with the general National Law requirements. This provides the paying public with an expected level of safety. Examples of activities not covered under the proposed exemption include charter type activities such as scheduled (non-urgent) medical transfers, towing outside of a SAR event or boat licence training for non-volunteers.

### Vessel Certification

An activity conducted under Exemption 24 must be conducted within the vessel's certification limits, including the number of passengers and area of operation limitations.

### State governance arrangements

Some State governance structures have a primary ESO with overarching responsibility or management of multiple individual VMR/ESO organisations. The primary ESO may conduct training, ensure crew competency and rectify issues. However, the individual ESO/VMR may own the vessel.

Some stakeholders have raised concern that the current Exemption 24 does not provide sufficient authority for training to be conducted by the primary ESO. Primary ESOs also require the ability to authorise or endorse State VMRs to limit non-endorsed organisations from using Exemption 24.

The proposed Exemption 24 has been drafted to provide enough flexibility to facilitate the differing governance/vessel ownership arrangements and to provide greater flexibility on who can conduct the training.

### Schedule 2 training requirements, including for vessels 12m to <24m long

#### Vessels 12m-24m long

There are a number of vessels 12m or longer used by volunteer emergency services. The existing training requirements outlined in Exemption 24 were created for vessels <12m and are considered insufficient to cover the competencies required to command and/or act as engineer on larger vessels. This is due to the increased complexity of the machinery, ancillary and auxiliary equipment. To continue supporting the use of these vessels, a number of additional units of competency have been proposed.

The Master/crew must also complete the existing Exemption 24 training in addition to the following units:

Master 12-24 m vessels must hold (in addition to existing 3nm+ training requirements):

- MARF030 Survival at Sea using survival craft
- MARH015 Manage and maintain a navigational watch on board vessels up to 80 metres
- MARH016 Plan and navigate a passage for a vessel up to 80 metres
- MARH017 Use wheelhouse equipment for safe navigation
- MARK008 Manoeuvre a vessel up to 24 metres within near coastal waters

Engineering Units - One crew member operating a vessel 12-24 m vessel must hold (e.g. Master or other crew member):

- MARB028 Service marine internal combustion engines, and propulsion and auxiliary systems
- MARC033 Complete engine room tasks
- MARC035 Operate and maintain extra low and low voltage electrical systems and equipment
- MARC039 Operate marine internal combustion engines, and propulsion and auxiliary systems

An alternative is for the Master to have completed MAR30921 - Certificate III in Maritime Operations (Master up to 24 metres Near Coastal), or equivalent. If the Master has not also completed the relevant engineering units listed above, there must be an additional crew member on board who has completed the relevant units of competencies.

Stakeholders will have until 1 July 2026 to train and upskill existing and new crew.

#### Other proposed training changes:

- Similar to the existing allowances, MAR package training can be conducted by a registered training organisation or a VMR, fire service or ESO organisation (through a validated trainer). An ESO would be able to conduct the training for the masters/crew of VMR or other emergency organisations.
- Due to the inclusion of training for larger vessels, the duties associated with the 'command or operate a vessel to 3nm' (3nm duties) would only apply to vessels under 12m in length.
- The MAR training unit requirements for vessels <12m would remain the same. However, two units of the Master Coxswain Grade 2 not previously included in Exemption 24 would be required if relevant to the vessel's operations. Otherwise, they are discretionary.

Note: MAR training packages and units will be updated in late 2024 to align with recent changes to Marine Order 505 – (Certificates of Competency — national law) 2022. There will be nominal content changes to the units, however titles and MAR reference numbers may change. For example, MARH016 will be amended to 'Plan and navigate a passage for a vessel up to 100 metres' MARH037. Exemption 24 will reflect any title / reference changes as necessary.

### Radio requirements

Industry requested a review of the existing radio obligations as they did not consider the long-range operator certificate of proficiency (LROCP) as necessary for all VMR crew. The following minimum requirements are proposed to better align with similar National Law competencies:

- Crew or deckhand - Radio requirements removed
- Command or operate to 3 nm – Minimum short-range operator certificate of proficiency (SROCP) or other training the organisation considers equivalent. This aligns with similar Coxswain Grade 2 requirements. Alternatively, crew may still hold a LROCP.
- Command or operate beyond 3nm / vessels 12m+ - SROCP unless the vessel is fitted with HF radio, then LROCP.

The Master must be qualified in any additional communication equipment fitted to the vessel e.g. satellite phones.

### Sharing of crew between organisations

The proposed exemption will allow an ESO to use volunteers of other organisations who are authorised under Exemption 24. The vessel owner/operator has responsibility for ensuring adequate training has been undertaken as per the Exemptions requirements. Agencies should manage the risks through agreement with the alternative organisation to ensure the crew are appropriately qualified and endorsed to operate the vessels. The use of inter-agency crew only applies to masters/crew covered by the Exemption 24 schedules, or holding AMSA issued certificates of competency.

### Certificate of Survey requirements removed

The existing Exemption 24 provisions exempting vessels from Certificate of Survey requirements are considered unnecessary. This provides a minor survey allowance for VMR and fire service vessels, requiring a renewal survey every 5 years with an additional periodic survey at 2 years for vessels 15 years and older.

Due to changes to the DCV survey regime, these Exemption 24 survey allowances are now similar to the general DCV requirements under Marine Order 503 – (Certificates of Survey — national law) 2018, Exemption 40 and Exemption 02 (non-survey vessels).

The requirement for annual declarations is also considered comparable to provisions that apply under Marine Order 504 – (Certificates of operation and operation requirements — national law) 2018 in relation to Safety Management Systems (SMSs), including preventative maintenance plans and records. Owners and operators also have general safety duties under the National Law.

The proposed removal of the survey allowance and annual declarations will remove obsolete provisions and simplify Exemption 24.

#### Exemption 02 – consequential amendment

The proposed Exemption 24 changes amend the definition of VMR. This would require a consequential amendment to the VMR definitions also described in Exemption 02.

However, during analysis of the Exemption 02 provisions, similarities between the VMR/fire provisions (Division 3 and 4) and the general Class 2 vessels exemption (Division 2) were identified. As VMR/fire services vessels could fit within the vessel requirements of the general provisions, there are no benefits for an organisation to hold a Division 3 or 4 approval over the general Class 2 Division 2 allowances. Exemption 02 VMR/fire service conditions are instead more restrictive, requiring annual SMS declarations and restricting the carriage of day passengers. Therefore, when Exemption 02 is remade, it is proposed for Division 3 and Division 4 to be removed. Any existing approvals would be able to continue and may be reissued under Division 2.

### Other changes

#### Distance from shore or sheltered waters

Exemption 24 currently describes distances from the point of departure, harbour or sheltered waters. This terminology is proposed to be simplified to describe the relevant distance from the shore or sheltered waters. For example, for duties relevant to 'command a vessel to 3 nm from shore or sheltered waters', the vessel could (whichever is further):

- traverse along the coastline, provided it remains within 3nm of the shore, or
- travel up to 3 nm from the edge of the sheltered water boundary.

#### Emergency provisions

The changes to the instrument do not limit the use of overarching emergency provisions that may permit operation beyond existing certification.