



Exemption 24 – Public Consultation Feedback Report

Introduction

Marine Safety (Emergency services vessels) exemption 2020 (exemption 24) provides alternative crewing and survey arrangements for vessels operated by volunteer marine rescue (VMR), fire service organisations (FSO) and other emergency service organisations (ESOs).

The exemption has been in place since 2016 and this review has provided an opportunity to remove obsolete provisions, clarify permitted activities, ensure the policy and content remains fit for purpose and to simplify the emergency service arrangements.

The commencement date of the revised exemption 24 is 1 July 2025.

The key proposed changes to exemption 24 include:

- Applying consistent competency requirements for volunteer emergency services by broadening the VMR requirements to also include:
 - volunteer ESO crew (e.g. State Emergency Service (SES) and volunteer FSO)
 - volunteer crew of other ESO (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 in length
- Clarifying radio requirements for lower-complexity duties
- Making it easier to share crew between emergency organisations
- Expanding exemption 24 allowances to professional surf lifeguards
- Removal of unnecessary certificate of survey allowances
- Improved document readability

The proposed exemption 24 only covers crew competency requirements. Vessels are subject to the same requirements as other domestic commercial vessels and must be fit for purpose and appropriately certified for their operations.



Consultation approach

The proposed changes to exemption 24 were drafted in collaboration with an industry reference group consisting of key representatives from the National Volunteer Marine Search and Rescue Committee (NVMSARC). External consultation for exemption 24 was open from 8 October 2024 and closed 2 December 2024.

AMSA published the draft exemption and a summary of the proposed changes on the AMSA [consultation hub](#). Stakeholders were encouraged to provide a submission through the online submission form, via email or by contacting AMSA Connect.

The consultation was promoted through a news article posted on the AMSA website and through the October 2024 edition of the 'AMSA update' newsletter. A targeted direct email was sent to 138 known emergency service vessel contacts. Feedback to the consultation was also encouraged through AMSA's social media channels including Facebook and LinkedIn.

AMSA raised awareness of the consultation process through its regular stakeholder engagement activities, including through the National Safety Committee and the Regional Safety Committee forums.

Public consultation

AMSA received a total of 31 submissions during the consultation period, which included over 100 comments. Most submissions were received from VMR organisations or their volunteers.

Proposed changes - Key themes

Applying consistent competency arrangements between volunteer emergency services through the broadening of the VMR requirements

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.

- There was support for the proposed changes to apply consistent arrangements for all volunteer emergency services.
- Stakeholder feedback indicated that it was a practical arrangement, particularly for remote and regional areas. The consistent arrangements also better supported inter-agency collaboration and would better allow trained personnel from different services to work together seamlessly.
- One stakeholder highlighted the importance of maintaining highly competent crew, particularly given that emergency operations are often carried out in unfavourable and stressful conditions.
- One submission suggested including State and Territory police agencies under the exemption.

Outcome: AMSA intends to proceed with this amendment. This will be supported by guidance material to clarify that the exemption only applies to certificate of competency requirements. Other National Law requirements must be adhered to including implementing and maintaining a safety management system (SMS).



AMSA does not intend to extend exemption 24 to other emergency service organisations. Government organisations are required to adhere to the general National Law requirements.

Changing the application process for individual emergency service authority certificate of competency exemptions

Currently, emergency services authorities (other than VMR or FSO) need to apply through form AMSA 792 for approval if they wish to operate vessels under exemption 24. Under the proposed changes, a broader number of organisations will be able to use the exemption automatically and AMSA 792 will be removed. Any non-volunteer organisations or individuals not covered by the exemption would need to meet the National Law crewing requirements or, if applicable, apply for a specific exemption (SPEX).

- There were no specific concerns raised on the change to the application process for individual emergency service authority certificate of competency exemptions.

Outcome: AMSA intends to proceed with this amendment. This aligns with the general intent of the National Law, where government, commercial and certain prescribed activities should comply with the National Law requirements.

Clarifying activities that can be conducted under the exemption

Exemption 24 currently permits search and rescue (SAR) and associated activities and GST-free commercial activities in accordance with the A New Tax System Act. 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 proposes to realign the instrument with its primary intent of facilitating emergency response.

Charging for services

The purpose of exemption 24 is to assist volunteer organisations to provide community emergency services. Under the current exemption, SAR activities cannot be conducted for compensation. The proposed changes apply this to all activities performed under exemption 24.

- There was general acceptance of the intention behind clarifying permitted activities and the restriction of commercial activities. However, four submissions requested additional clarification, or expressed concern about the ability to request reimbursement. Comments highlighted:
 - Difficulties for smaller VMR organisations who rely on fundraising to support operations.
 - Ambiguity as to whether acceptance of donations after a rescue is allowed.
 - A request for guidance on whether attendance at government events would be covered under government funding. As government organisations are not able to provide donations and need to invoice.

Outcome: AMSA intends to retain the requirement for activities to be conducted without consideration. It is not intended to restrict VMR or ESOs ability to accept donations after a rescue. The exemption is also not intended to interfere with government funding of the organisation, which AMSA acknowledges may be linked to a services agreement or to a reimbursement model.



Commercial operations may be undertaken, provided the crew meet general National Law competency requirements, and the vessel is appropriately certified and meets all other requirements in line with the activity.

These positions will be clarified in guidance to remove any ambiguity.

Recreational boat licence, scattering of ashes and non-urgent medical evacuations

The changes clarify that eligible vessels can conduct search, rescue, emergency or disaster or response activities, firefighting, mitigate threats to public safety, and other incidental activities under the exemption. This proposes to realign the instrument's activities with the primary intent of facilitating emergency response. Commercial services will need to be conducted in accordance with the general National Law requirements.

- Two submissions requested recreational boat licence training to members of the public be included on the list of permitted activities. They cited the following reasons:
 - Organisations advise that they conduct courses to improve boating safety and reduce the risk of an emergency occurring.
 - Conducting the courses assists in identifying prospective volunteers.
 - The on-water component of the licence training is only one part of the program, and suggestions that the activity is similar to 'come and try' recruitment drives.
 - The service fee for the course is largely to meet costs of administering the course.
- Three submissions requested the ability for VMR to scatter ashes for members of the public. Two commented on non-urgent medical evacuations or patient transfers, as they had been undertaking them for many years.

Outcome: AMSA intends to retain the limitations on commercial activities. Providing recreational boat licence training for a fee to members of the public and the hiring of a vessel for passengers to scatter ashes are both considered commercial activities.

Commercial activities can be conducted by organisations providing the relevant National Law requirements for the vessel, operation and crew are met.

Patient transfers are also considered a commercial activity, unless there is a likelihood of developing into an emergency/urgent situation without emergency services intervention.

Rescue crews will need to make decisions on a case-by-case basis as to whether an operation is considered a permitted activity and be accountable for those decisions. The decision should take a number of factors into consideration to determine the urgency of the situation, including the availability of other public or commercial services and the remoteness of the location.

Whilst operating under exemption 24, an ESO, FSO or VMR cannot undertake an activity that is not in alignment with the permitted activities, regardless of the agency requesting the service (e.g. police or ambulance).

Towing

The proposed exemption 24 allows for emergency towing but not for other towing activities such as salvage operations or towing for convenience.

- There was mixed feedback on these changes, comments included:



- Towing for all public breakdowns should be allowed under the exemption, as a substantial amount of VMR work requires the towing of vessels. Towing provides practice for SAR activities and keeps volunteers engaged.
- Request for greater clarity of when towing is considered an emergency or urgent and clear guidance on what is considered salvage (including whether a vessel that is grounded with or without crew on board should be considered differently).
- Coxswain certificate of competency credentials should be required as standard. This would negate towing restrictions and allow organisations to charge for it.
- Concerns about the suitability of vessels for towing and appropriate training capabilities of crew to undertake those operations.

Outcome: AMSA intends to retain the restriction on towing activities to only emergency/urgent situations. Towing activities pose unique risks. Additional guidance will be provided, including scenarios, to improve understanding of what is considered emergency/urgent towing to inform effective decision making.

Guidance will include resources for operators, including a risk assessment resource for towing.

Additional flexibility to account for State governance arrangements

The proposed exemption was drafted to provide sufficient flexibility to facilitate differing state and territory governance/vessel ownership arrangements and to provide greater flexibility on who can conduct the required training.

- These changes are generally supported; however, one submission highlighted the difficulties that can be experienced by smaller independent VMR organisations that do not have overarching State governance structures.

Outcome: AMSA intends to retain these associated changes and recognises that there is a wide range of governance arrangements from state to state. Exemption 24 seeks to facilitate the range of volunteer emergency operations while ensuring the safety of volunteers and rescued persons. The exemption provides significant flexibility for organisations in order for them to achieve appropriate safety outcomes to that of the National Law requirements.

Additional training for vessels 12m to 24m in length

The proposed changes include additional units of competency for Masters operating vessels 12 - 24m in length due to the increased complexity of the machinery, ancillary and auxiliary equipment. Operators will have until 1 July 2026 to train and upskill existing and new crew. If relevant, individuals certified by a VMR organisation as competent to operate the vessel prior to 1 July 2018, will be able to continue to perform duties in accordance with the initial certification.

- A few submissions indicated that this is a long overdue requirement, with one noting the change ensures training is targeted and relevant to operational demands.
- A few submissions suggested that the changes did not go far enough and a full Marine Engine Driver (MED) and Master <24m near coastal should be the minimum requirement to Master a vessel between 12 and 24m. It was noted that offering emergency services in open sea during the day and night are high risk marine ventures.
- One submission noted that their organisation already required full National Law competencies for the masters of their organisation's emergency service vessels.



- One submission suggested that the operational distances were excessive and provided recommendations such as operations beyond 15nm be limited to vessels 10m or longer, or be equipped with a fully enclosed wheelhouse, with the master holding a minimum Coxswain Grade 1 certificate of competency.

Outcome: AMSA intends to proceed with the proposed amendments. These changes represent an important distinction between smaller and larger vessels that is not addressed in the current exemption 24. The proposed exemption provides minimum requirements; organisations may elect to go above and beyond the requirements. AMSA considers changes to operational limitations are not needed at this time.

Clarifying radio requirements for lower-level duties

The proposed changes to minimum radio requirements better align the requirements with the general National Law competencies and the vessel's equipment. Changes include removing radio requirements for the crew or deckhand category and additional flexibility to hold a short-range operator certificate of proficiency (SROCP) rather than a long-range operator certificate of proficiency (LROCP) for other categories.

- There was support for the changes aligning radio proficiency to reflect the vessel's equipment citing that the change will improve training and make it easier to recruit and retain members.
- Two submissions raised concern about reducing radio competencies to master only and recommended an additional crew member (or all) be required to hold a radio operator proficiency to allow for situations in which the master may be incapacitated.
- Two submissions queried the wording of the guidance, specifically that a marine satellite communications endorsement is not necessary to operate a satellite phone.

Outcome: AMSA intends to proceed with the changes to the radio requirements. Vessels operating under exemption 24 will still need to comply with Marine Order 504 (Certificates of operation and operational requirements – National Law) 2018 (MO504). This requires vessels to develop an emergency plan outlining procedures for responding to master incapacitation (MO504 s 8(3)(d)). In alignment with the requirements of MO504, operators need to assess risk to determine the need for other requirements including the necessity for additional crew to hold relevant radio proficiencies.

The guidance will be amended to refer to adequate training to ensure competency on additional communications equipment (as opposed to 'being qualified').

Making it easier to share crew between emergency organisations

The proposed exemption allows an ESO to use volunteers of other organisations who are authorised under exemption 24. There was clear support for enabling the sharing of crew between emergency organisations.

- One submission requested exemption 24 explicitly allow all members of partner organisations with equivalent training or qualifications, including paid staff, to serve as crew on any emergency service organisation's vessel. This was cited as important due to the essential nature of multi-agency training and exercises that improve interoperability and to mutually develop capability.
- One submission requested further guidance on salary staff operating to support volunteer-based ESOs.



- One VMR submission noted it was generally unable to share crew with surf club inflatable rescue boat (IRB) operators, as they often do not hold first aid qualifications, short range VHF radio operator qualifications or meet basic AMSA crew competency requirements.

Outcome: AMSA intends to proceed with the changes to make it easier to share crew between emergency organisations. AMSA intends to include a note in the exemption to clarify cross-crewing during multi-agency exercises and the requirement for operators to ensure shared crew meet exemption 24 crewing requirements before allowing other crew to operate their vessels.

Importantly, MO504 still applies, which requires the operator to ensure all crew are appropriately inducted in key onboard operations. The operator is also required to ensure systems are in place to establish, maintain and verify the competence and capacity of crew to safely conduct assigned duties. This includes emergency procedures to establish, maintain and verify the ability of crew to respond rapidly and effectively in an emergency and to follow the emergency plan.

Expanding exemption 24 allowances to professional surf lifeguards

This change was to allow the exemption to apply to a small number of individuals who did not fall under the surf lifesaving carveout under the Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013. This was to formalise an existing specific exemption that has been in place for several years for council-owned surf lifesaving PWC crew.

- Feedback indicated some reservation about the inclusion of professional surf lifeguards within exemption 24 due to the instrument only applying to volunteers or volunteer organisations.

Outcome: AMSA does not intend to proceed with this change. AMSA agrees that relevant exemptions for surf lifesaving vessels should remain within specific exemptions. Council-owned vessels with paid lifeguards do not sufficiently align with the intention that exemption 24 applies to volunteer emergency service organisations and their volunteers. AMSA intends to remove the reference to surf lifesaving vessels from the draft instrument.

Removal of unnecessary certificate of survey allowances

The existing provisions exempting vessels from certificate of survey requirements are considered unnecessary due to recent changes to the DCV survey regime. Feedback was supportive of removing the certificate of survey requirements from exemption 24 and the specific VMR and fire services provisions from [exemption 02](#). The general exemption 02 provisions are available to these groups.

- Although the existing allowances are already comparable to the National law, some comments indicated a preference for emergency vessels to meet the same survey requirements as other DCVs.
- One comment queried whether the change to exemption 02 would enable VMR vessels to carry 4-day passengers, but restrict their operations within areas D and E.
- One submission highlighted the importance of surveys in the identification of modifications that trigger 'transitional' vessel arrangements.

Outcome: AMSA intends to proceed with this change and notes that exemption 24 vessels already meet the same requirements as other DCVs. The amendments do not change transitional or grandfathering vessel arrangements. Any operations involving the carriage of passengers can only be performed by a vessel that is approved to carry passengers.



Other issues raised through submissions

Validated trainer

Several State VMR organisations have been experiencing issues with the existing exemption's validated trainer and assessor requirements. In discussion with the exemption 24 industry working group, the following alternative approach is intended to be included within the proposed exemption for organisations who are not registered training organisations (RTOs).

- Validated trainers must meet the RTO requirements for a trainer, except that they may hold a training and assessment (TAE) credential obtained within the previous 10 years.
- Validated assessors must either:
 - Meet the validated trainer requirements, or
 - Hold Assessor skill set TAESS00019, TAESS00011 or TAESS00001 (or successor).
- Training and assessment under direction:
 - Under the direction of a validated trainer, training can be delivered by a person with relevant maritime experience/vocational competencies.
 - Under the direction of a validated assessor, assessment assistance (including evidence gathering) can be provided by a person with relevant maritime experience/vocational competencies.
 - Only a validated assessor can make an assessment judgement, they cannot be undertaken by a person under supervision/direction.
 - Direction means an individual providing oversight, guidance and quality assurance to ensure the quality of training and assessment being delivered by another individual.

Outcome: AMSA intends to include the above proposal within exemption 24.

Sea time

- Several submissions recommended the inclusion of mandatory initial and annual sea time.

Outcome: AMSA does not intend to introduce minimum sea time requirements for ESO crew. This addition may have unintended consequences and be difficult to implement due to crew potentially only having recreational experience or minimal commercial boating experience. It is the ESO's responsibility to ensure crew are trained and competent to perform their assigned duties as per exemption 24 and M0504.

Auditing

- One submission recommended an increase in the auditing of training records, standards and competencies to ensure persons/organisation operating under the exemption are meeting the minimum standards set out by exemption 24.

Outcome: AMSA intends to reintroduce an auditing provision to ensure there is a clear mechanism to provide AMSA with assurance over the standards of training being provided.



Distance from shore

- The changes describing distance from shore, rather than distance from departure point, harbour or sheltered waters, were welcomed by several submissions, noting it was a practical improvement and easier to implement.

Outcome: AMSA intends to proceed with this change.

Out of Scope feedback

The following suggestions were out of scope of the exemption 24 changes:

MED Qualifications – It was suggested that it be easier for individuals that hold an associated trade qualification to get a MED qualification.

The eligibility requirements for MED qualifications are outside the scope of the review.

Carriage of fuel – One submission requested a limit on the fuel carried by vessels to reduce intentional fuel exhaustion and abuse of the volunteer no-fee service. Another requested vessels be authorised to carry fuel to assist vessels who have run dry to avoid the higher risk activity of towing or to avoid multiple trips for refuelling.

Exemption 24 does not seek to change the design and construction standards that apply to a DCV. Emergency service vessels may use exemption 02, exemption 40 or hold a certificate of survey.

Regardless of the type of permit or survey the vessel holds, the standards that apply all have some common threads.

- Fuel stored appropriately for use by the vessel is generally not considered cargo.
- NSCV C4 – Fire Safety, Chapter 14 has requirements for small combustible liquids stores, stores locker requirements and open deck storage requirements.
- NSCV C4 – Fire Safety, Chapter 15 has requirements for DCVs carrying dangerous goods as cargo. Where a larger quantity of petrol is carried by an emergency service vessel as cargo these requirements may be applicable.
- Work Health and Safety (WHS) requirements and operational risk assessments under MO504 should also be considered by the operator for their operation.

Masters operating dangerously – There was a request to be able to remove VMR skippers who are operating dangerously.

AMSA notes that unsafe behaviour should be reported as a [marine safety concern](#).

Passage planning – One submission queried if passage planning is required as part of the documentation for emergency operations / procedures.

AMSA notes that a procedure on the preparation and use of passage plans will be required in the SMS when [changes](#) to MO504 come into effect on 1 June 2025. These changes will apply to emergency service vessels unless the vessel is eligible for a simplified SMS.

Examples of permitted activities - One submission provided a detailed list of permitted activities for disaster/emergency management.

AMSA notes these comments will be considered during the development of guidance.



Surf lifesaving (SLS) exemptions – one submission raised concern about the risks of surf lifesaving IRBs and crew who operate far from shore or home base without meeting National Law requirements in vessel standards, equipment, radio and competency requirements.

SLS vessels which are conducting traditional surf lifesaving activities within 2nm of the low water mark are not considered DCVs and operate under State recreational licencing requirements. SLS vessels that operate outside of 2nm or are conducting prescribed DCV activities must adhere to the National Law standards and competency requirements.

Special personnel - One submission recommended the definition of “special personnel” be amended to explicitly capture the activities of government members/media representatives and their carriage as a permitted activity.

AMSA notes that it is the circumstances of why an individual is on a vessel which determines whether they are special personnel, not their employment status. AMSA will incorporate scenarios in the guidance to clarify when media/government members might qualify as special personnel.