

SOUTH AUSTRALIA

MARINE (QUALIFICATIONS AND CREWING) REGULATIONS 1992

SUMMARY OF PROVISIONS

PART 1 PRELIMINARY

1. Citation
2. Commencement
3. Revocation
4. Interpretation
5. The Code

PART 2 CERTIFICATES OF COMPETENCY

DIVISION 1—EXAMINATIONS

6. Examinations for certificates of competency

DIVISION 2—ISSUE, ENDORSEMENT, RECOGNITION AND RE-VALIDATION OF CERTIFICATES

7. Issue of certificates of competency
8. Proof of qualifying service, age and good character
9. Re-examination
10. Optical and medical examinations; exemption from compliance
11. Equivalent service and qualifications
12. Endorsement of certificates of competency
13. Recognition of certificates of competency
14. Re-validation of certificates of competency

PART 3 CREWING OF VESSELS

DIVISION 1—FISHING VESSELS

15. Minimum crewing for fishing vessels
16. Exemption from minimum requirements for fishing vessels
17. Breach of minimum crewing requirements
18. Breach by crew of minimum qualifications requirement

DIVISION 2—TRADING VESSELS

19. Exemption from section 26d: requirement for crewing determination for trading vessels
20. Breach of minimum crewing requirements
21. Breach by crew of minimum qualifications requirement

PART 4 MISCELLANEOUS

22. Compliance with endorsements
23. Fees

SCHEDULE 1 *Modification of the Code*

SCHEDULE 2 *Certificates of Competency, River Murray and Inland Waters (regulation 7(b))*

SCHEDULE 3

*Minimum safety crewing: Fishing vessels
(regulation 15)*

SCHEDULE 4

*Fees
(regulation 23)*

SCHEDULE 5

Transitional Provisions

REGULATIONS UNDER THE MARINE ACT 1936

Marine (Qualifications and Crewing) Regulations 1992

being

No. 80 of 1992: *Gaz.* 11 June 1992, p. 1699¹

as varied by

No. 189 of 1992: *Gaz.* 24 September 1992, p. 1157¹

¹ Came into operation 1 July 1992: reg. 2.

² Came into operation 24 September 1992: reg. 2.

2.

PART 1

PRELIMINARY

Citation

1. These regulations may be cited as the *Marine (Qualifications and Crewing) Regulations 1992*.

Commencement

2. These regulations will come into operation on 1 July 1992.

Revocation

3. The *Examination for Certificates of Competency and Safety Manning Regulations 1981* (see *Gazette* 22 January 1981 p. 183), as varied, are revoked.

Interpretation

4. (1) In these regulations, unless the contrary intention appears—

"**the Act**" means the *Marine Act 1936*;

"**applicant**" means an applicant to be examined for a certificate of competency;

"**approved**" means approved by the Minister;

"**Australian Coastal and Middle-water**", in relation to the operational area of a vessel, means operations within a range determined by the Director laterally along the coast and within 600 nautical miles (or such lesser distance determined by the Director) to seaward;

"**certificate of competency**" means a document issued by the Minister under the Act, or by another marine authority, that certifies that the holder is duly qualified to serve on a vessel in a capacity appropriate to the grade specified in that document;

"**chief engineer**" means the most senior engineer on a vessel, responsible for the means of mechanical propulsion of the vessel;

"**chief mate**" means the deck officer on a vessel next in rank to the master and upon whom command of the vessel will fall in the event of the incapacity of the master;

"**the Code**" means the Uniform Shipping Laws Code, published by the Australian Government Publishing Service for the Commonwealth Department of Transport and Communications and adopted by the Australian Transport Advisory Council, as in force from time to time;

"**commercial vessel**" means a coast-trade ship, river ship or fishing vessel that—

(a) is not used solely for pleasure or recreation;

and

3.

- (b) is used, or is allowed or authorized to be used, in the course of a business or in connection with a commercial transaction,

but does not include a government vessel:

"deck officer" means an officer of a vessel, other than the master, who has authority pursuant to his or her certificate of competency to take charge of a navigation watch on that vessel:

"the Director" means the Director of Marine and Harbors:

"endorsement" means a record made on a certificate of competency by the Minister or another marine authority that specifies—

- (a) a limitation on or extension of the duties appropriate to a certificate of that grade that the holder is qualified to undertake;
- (b) an area within which, or a vessel or equipment (or type or class of vessel or equipment) in relation to which, the holder is qualified to undertake the duties appropriate to a certificate of that grade;

or

- (c) a condition related to medical standards subject to which the holder is qualified to undertake the duties appropriate to a certificate of that grade:

"engineer" means a marine engineer or marine engine driver:

"government vessel" means a vessel—

- (a) that is owned by, or the beneficial interest in which is vested in, the Commonwealth or a State or Territory of the Commonwealth;

or

- (b) that is currently demised to, or in the exclusive possession of, the Commonwealth or a State or Territory of the Commonwealth,

but does not include a vessel that is owned by the Australian Shipping Commission:

"Inshore", in relation to the operational area of a vessel, means operations within a range determined by the Director laterally along the coast from a specified base or regular port of departure and within 15 nautical miles (or such lesser distance determined by the Director) to seaward of the coast or of the seaward limit of waters designated by the Director as smooth or partially smooth:

"length", in relation to a vessel, means—

- (a) the distance from the fore part of the hull to the after part of the hull, taken at the upper side of the uppermost weathertight deck or, in the case of an open vessel, at the height of the gunwale;

4.

or

- (b) 96% of the distance between a vertical line passing through a point being the foremost part of the hull and a vertical line passing through a point being the aftermost part of the hull, excluding appendages,

whichever is the greater:

"marine authority" means the Minister, or the marine authority of the Commonwealth, a State or Territory of the Commonwealth or a foreign country recognized by the Minister as having authority to issue a certificate of competency:

"Offshore", in relation to the operational area of a vessel, means operations within a range determined by the Director laterally along the coast and within 200 nautical miles (or such lesser distance determined by the Director) to seaward:

"partially smooth water", in relation to the operational area of a vessel, means operations within specified geographical limits in waters designated by the Director as partially smooth:

"smooth water", in relation to the operational area of a vessel, means operations within specified geographical limits in waters designated by the Director as smooth:

"propulsion power" means—

- (a) in relation to a multi-screw vessel of less than 35 metres in length and an operational area other than Unlimited or Australian Coastal and Middle-water operations, the maximum continuous rated power in kilowatts of the largest engine provided for the propulsion of the vessel by one screw;

and

- (b) in relation to any other vessel, the total maximum continuous rated power in kilowatts of all of the machinery provided for the propulsion of the vessel:

"Restricted Offshore", in relation to the operational area of a vessel, means operations within 30 nautical miles (or such lesser distance determined by the Director) from the seaward limit of a safe haven or of waters designated by the Director as smooth or partially smooth:

"second engineer" means the engineer next in rank to the chief engineer and upon whom responsibility for the means of mechanical propulsion of the vessel will fall in the event of the incapacity of the chief engineer:

"skipper" means the master of a fishing vessel:

"State Crewing Committee" means the State Crewing Committee established under Part IIIA of the Act:

"trading vessel" means a commercial vessel other than a fishing vessel:

5.

"Unlimited", in relation to the operational area of a vessel, means all overseas, ocean-going and Australian coastal operations without limitation as to geographical range.

(2) Where an expression—

(a) used in these regulations;

or

(b) used in a provision of the Code adopted by these regulations,

is not defined in the Act or in these regulations, the expression has, for the purposes of these regulations, the meaning (if any) assigned by the Code.

The Code

5. (1) Pursuant to section 14 of the Act, those provisions of the Code (as amended from time to time) specified in these regulations are adopted subject to any modifications expressed in these regulations.

(2) Where a provision of the Code is adopted by these regulations, any other provision of the Code that is incorporated into, or referred to in, that provision is also adopted to the extent necessary to give effect to that provision, subject to the Act and these regulations.

(3) A copy of the Code must be kept available for inspection by members of the public without charge and during normal office hours at the head office in Adelaide of the Department of Marine and Harbors.

6.

PART 2
CERTIFICATES OF COMPETENCY

DIVISION 1—EXAMINATIONS

Examinations for certificates of competency

6. (1) The Minister may conduct, or approve the conduct of, examinations to qualify for the issue of certificates of competency of the following grades for commercial vessels:

(a) for trading vessels—

Master Class 3
Master Class 4
Mate Class 4
Master Class 5
Coxswain
Marine Engineer Class 3
Marine Engine Driver Grade 1
Marine Engine Driver Grade 2
Marine Engine Driver Grade 3

(b) for trading vessels operating solely on the River Murray or inland waters—

Master Class 4 River Murray and Inland Waters
Master Class 5 River Murray and Inland Waters
Coxswain River Murray and Inland Waters

(c) for fishing vessels—

Skipper Grade 1
Skipper Grade 2
Skipper Grade 3
Coxswain
Marine Engineer Class 3
Marine Engine Driver Grade 1
Marine Engine Driver Grade 2
Marine Engine Driver Grade 3.

(2) The Minister may conduct, or approve the conduct of, examinations for—

(a) the endorsement or re-validation of certificates of competency for commercial vessels issued under the Act;

or

(b) the recognition of certificates of competency for commercial vessels not issued under the Act.

**DIVISION 2—ISSUE, ENDORSEMENT, RECOGNITION AND
RE-VALIDATION OF CERTIFICATES**

Issue of certificates of competency

7. Subject to the Act and these regulations, the Minister—

(a) may issue a certificate of competency of a grade referred to in regulation 6(1)(a) for a trading vessel to a person who complies with the requirements of Part 3 of Section 2 of the Code, as modified by schedule 1 of these regulations, as to—

(i) age;

(ii) eyesight and other medical standards;

(iii) qualifying service;

and

(iv) the passing of oral, practical or written examinations,

for the issue of a certificate of that grade;

(b) may issue a certificate of competency of a grade referred to in regulation 6(1)(b) for a trading vessel operating solely on the River Murray or inland waters to a person who complies with the requirements of schedule 2 of these regulations as to—

(i) age;

(ii) eyesight and other medical standards;

(iii) qualifying service;

and

(iv) the passing of oral, practical or written examinations,

for the issue of a certificate of that grade;

(c) may issue a certificate of competency of a grade referred to in regulation 6(1)(c) for a fishing vessel to a person who complies with the requirements of Part 3 of Section 3 of the Code, as modified by schedule 1 of these regulations, as to—

(i) age;

(ii) eyesight and other medical standards;

(iii) qualifying service;

and

8.

- (iv) the passing of oral, practical or written examinations,
for the issue of a certificate of that grade.

Proof of qualifying service, age and good character

8. (1) A person who applies to be examined for the issue of a certificate of competency under the Act must provide, to the satisfaction of the Minister—

- (a) documentary proof of his or her age;
 - (b) proof of the qualifying service required by these regulations;
- and
- (c) testimonials as to his or her good character and sobriety.

(2) For the purposes of subregulation (1)—

- (a) proof of age may be provided by the production of—
 - (i) a birth certificate (or extract from a register of births);
 - (ii) a passport;or
 - (iii) a naturalization certificate;
- and
- (b) proof of qualifying service may be provided by the production of—
 - (i) a statutory declaration by the applicant as to his or her service;or
 - (ii) a testimonial by the master or owner of a vessel on which service took place.

Re-examination

9. (1) A pass in an examination conducted under these regulations remains valid for the purposes of the issue, endorsement, recognition or re-validation of a certificate of competency—

- (a) in the case of an oral or a practical examination—for a period of 12 months from the date of the examination;
- and

9.

- (b) in the case of a written examination—for a period of five years from the date of the examination,

unless the Minister determines otherwise.

(2) Where a person fails an oral or a practical examination conducted under these regulations at a second or subsequent attempt, or reveals in any examination conducted under these regulations a serious deficiency in practical knowledge of the subject-matter of that examination, the Minister—

- (a) may determine that no further attempt may be made by that person until after a specified interval of time;

and

- (b) may require the person to complete a further period of qualifying service during that interval.

Optical and medical examinations; exemption from compliance

10. (1) For the purposes of the issue, endorsement, recognition or re-validation of a certificate of competency, evidence as to whether a person meets the optical or other medical standards required by these regulations must be provided—

- (a) in the case of optical standards—by a legally qualified medical practitioner, an ophthalmologist or a registered optician;

or

- (b) in the case of other medical standards—by a legally qualified medical practitioner.

(2) An optical or other medical examination of a person made in accordance with these regulations remains valid for the purposes of the issue, endorsement, recognition or re-validation of a certificate of competency for a period of six months from the date of the examination.

(3) Where the Minister is satisfied that a person who fails to meet an optical or other medical standard required by these regulations for the issue, endorsement, recognition or re-validation of a certificate of competency, is, notwithstanding that failure, able to satisfactorily perform the duties required of a person with such a certificate, the Minister may, on such conditions as he or she thinks fit and endorses on the certificate or on the notice of recognition, issue, endorse, recognize or re-validate the certificate, as required.

Equivalent service and qualifications

11. (1) Where the Minister is satisfied that a person who applies to be examined for the issue of a certificate of competency has experience, training or educational qualifications (including relevant experience, training or qualifications obtained in the armed services, an educational institution or other organization) that substantially comply with the requirements of these regulations as to qualifying service and the passing of examinations, the Minister may, to the extent that he or she thinks fit, accept that experience or training or those educational qualifications as a substitute for compliance with those requirements.

10.

(2) The acceptance of experience, training or educational qualifications by the Minister under subregulation (1) may be unconditional or subject to such conditions or additional requirements as the Minister thinks fit.

Endorsement of certificates of competency

12. (1) The Minister may, at any time, endorse a certificate of competency issued under the Act with—

- (a) a limitation on or extension of the duties for which the certificate is valid;
 - (b) an area, or the equipment, vessel, or type or class of equipment or vessel, for which the certificate is valid;
- or
- (c) a condition, based on a medical standard required by these regulations, subject to which the holder may perform the duties normally authorized by a certificate of that grade.

(2) The Minister may, for the purposes of the endorsement of a certificate of competency under subregulation (1), require the person applying for the endorsement to meet such requirements as to—

- (a) age;
 - (b) eyesight and other medical standards;
 - (c) qualifying service;
- and
- (d) the satisfactory completion of courses or passing of examinations,

as the Minister thinks fit.

Recognition of certificates of competency

13. (1) The Minister may, by notice in writing, recognize a certificate of competency issued or endorsed by the marine authority of—

- (a) another State or a Territory of the Commonwealth;
- or
- (b) a foreign country,

for the purposes of the crewing of a commercial vessel under the Act.

(2) A notice of recognition under subregulation (1)—

- (a) may relate to an individual certificate or to certificates of a specified class;

and

(b) may be subject to such conditions as the Minister thinks fit and specifies in the notice, including conditions—

- (i) limiting the period of recognition;
- (ii) specifying a grade of certificate to which the certificate is recognized as equivalent;
- (iii) specifying the extent (if any) to which an endorsement on the certificate is recognized;
- (iv) specifying the duties, area, equipment or vessel (or type or class of equipment or vessel) for which the certificate is recognized;

or

- (v) based on medical standards.

(3) The Minister may, for the purposes of the recognition of a certificate under subregulation (1), require the holder of that certificate to meet such requirements as to—

- (a) age;
- (b) eyesight and other medical standards;
- (c) qualifying service;

and

- (d) the satisfactory completion of courses or passing of examinations,

as the Minister thinks fit.

(4) A certificate of competency recognized under this regulation will, for the purposes of the crewing of a commercial vessel under the Act, be taken to be a certificate of competency issued or endorsed under the Act in accordance with any conditions specified in the notice of recognition.

Re-validation of certificates of competency

14. (1) Subject to this regulation, the Minister may re-validate a certificate of competency issued under the Act on the application of the holder of that certificate.

(2) The Minister must not re-validate a certificate of competency unless the holder of the certificate—

- (a) meets the eyesight and other medical standards—

- (i) required by regulation 7 for the issue of a certificate of that grade;

or

12.

- (ii) where the certificate is not one referred to in regulation 7, required by the Minister;
- (b) in the case of a master or deck officer—
 - (i) has completed a total of at least one year of service (as a master or deck officer) approved by the Minister during the five years immediately preceding the application;
 - or
 - (ii) where no service approved by the Minister has been undertaken during the year preceding the application—has completed a course or an examination approved by the Minister;
- (c) in the case of an engineer—
 - (i) has completed a total of at least one year of service (as an engineer) approved by the Minister during the five years immediately preceding the application;
 - (ii) has satisfactorily completed a course or passed an examination approved by the Minister;
 - (iii) has undertaken at least three months of service (as an engineer) approved by the Minister—
 - (A) in a supernumary capacity;
 - or
 - (B) in a rank lower than that for which the certificate is valid, immediately prior to the application;
 - or
 - (iv) has performed functions appropriate to the grade of certificate to the satisfaction of the Minister immediately prior to the application;
- and
- (d) has, to the satisfaction of the Minister, complied with any special training requirements or other conditions for service on a class of vessels for which the certificate is endorsed required by an international agreement to which Australia is a party or with which compliance is required under a law of this State or the Commonwealth or by the Minister.

(3) The Minister may, before re-validating a certificate of competency, require the holder to complete a course or examination referred to in subregulation (2)(b)(ii) or (2)(c)(ii).

13.

(4) The Minister must, on the re-validation of a certificate of competency under this regulation, make a note of the re-validation on the certificate concerned.

(5) A re-validation under this regulation will be for such period as the Minister thinks fit and specifies on the certificate.

(6) Nothing in this regulation--

(a) affects the validity of a certificate of competency that has not been re-validated;

or

(b) requires the holder of a certificate of competency to re-validate that certificate.

**PART 3
CREWING OF VESSELS**

DIVISION 1—FISHING VESSELS

Minimum crewing for fishing vessels

15. (1) Subject to these regulations, the minimum requirements as to the number and respective qualifications of the crew that must be carried by a fishing vessel, other than a fishing vessel to which subregulation (2) applies, are as specified in schedule 3 of these regulations.

(2) The minimum requirements as to the number and respective qualifications of the crew that must be carried by a fishing vessel of less than 12 metres in length that is used for taking fish or oysters for sale from a fish or oyster farm (and for other purposes in connection with the management of such a farm) are as determined by the Minister.

(3) A determination by the Minister under subregulation (2) may—

- (a) relate to such fishing vessels generally, a class of such vessels or a particular vessel;
- (b) specify such conditions as to the operation of a vessel as the Minister thinks fit.

Exemption from minimum requirements for fishing vessels

16. (1) Where the Minister is satisfied that it is not reasonably practicable for a fishing vessel to be crewed in accordance with regulation 15, the Minister may, by notice in writing, exempt the owner and the crew of that vessel from compliance with that regulation.

(2) An exemption under subregulation (1) may be granted—

- (a) on such conditions as to the crewing of the vessel, the conduct of a navigation watch, or otherwise;

and

- (b) for such a period, not exceeding two years,

as the Minister thinks fit.

(3) The Minister may grant such further exemptions (for periods not exceeding two years each) in accordance with this regulation as he or she thinks fit.

Breach of minimum crewing requirements

17. The owner of a fishing vessel must not cause or permit that vessel to proceed under way unless the number and respective qualifications of its crew comply with the minimum requirements under regulation 15 or with an exemption from those requirements granted under regulation 16.

Penalty: \$500.

Breach by crew of minimum qualifications requirement

18. (1) Where a certificate of competency of a particular grade or with a particular endorsement is specified under regulation 15 in relation to a fishing vessel as the minimum qualification to be held by a master or chief mate of a vessel, a person must not (except in an emergency at sea) take charge of a navigation watch on that vessel unless he or she has at least the minimum qualifications specified for one of those persons or is acting in accordance with an exemption under regulation 16.

Penalty: \$500.

(2) Where a certificate of competency of a particular grade or with a particular endorsement is specified under regulation 15 in relation to a fishing vessel as the minimum qualification to be held by a chief or other engineer of a vessel, a person must not (except in an emergency at sea) take charge of the operation of the main propulsion machinery of the vessel unless he or she has at least the minimum qualifications specified for one of those persons or is acting in accordance with an exemption under regulation 16.

Penalty: \$500.

DIVISION 2—TRADING VESSELS

Exemption from section 26d: requirement for crewing determination for trading vessels

19. (1) Subject to this regulation, the Minister may, by notice in writing, exempt a trading vessel of less than 35 metres in length from the application of section 26d of the Act.

(2) Subregulation (1) applies whether a determination in respect of that vessel has been made by the State Crewing Committee under section 26d of the Act or not.

(3) An exemption under this regulation—

- (a) must be for a specified period, not exceeding two years;
- (b) must determine minimum requirements as to the number and respective qualifications of the crew that must be carried by the vessel;

and

- (c) may be granted subject to such conditions as the Minister thinks fit and specifies in the notice of exemption.

(4) The Minister may grant such further exemptions (for periods not exceeding two years each) in accordance with subregulation (3) to vessels to which this regulation applies as he or she thinks fit.

Breach of minimum crewing requirements

20. The owner of a trading vessel in relation to which an exemption has been granted under regulation 19 must not cause or permit that vessel to proceed under way unless the number and respective qualifications of its crew comply with the minimum requirements specified in that exemption.

Penalty: \$500.

Breach by crew of minimum qualifications requirement

21. (1) Where a certificate of competency of a particular grade or with a particular endorsement is specified—

(a) in a determination by the State Crewing Committee under section 26d of the Act;

or

(b) in an exemption granted under regulation 19,

as the minimum qualification to be held by a master, or chief or other mate of a trading vessel, a person must not (except in an emergency at sea) take charge of a navigation watch on that vessel unless he or she has at least the minimum qualifications specified for one of those persons.

Penalty: \$500.

(2) Where a certificate of competency of a particular grade or with a particular endorsement is specified—

(a) in a determination by the State Crewing Committee under section 26d of the Act;

or

(b) in an exemption granted under regulation 19,

as the minimum qualification to be held by a chief or other engineer of a trading vessel, a person must not (except in an emergency at sea) take charge of the operation of the main propulsion machinery of the vessel unless he or she has at least the minimum qualifications specified for one of those persons.

Penalty: \$500.

17.

PART 4
MISCELLANEOUS

Compliance with endorsements

22. (1) Subject to subregulation (2), the holder of a certificate of competency must, in undertaking duties on a vessel, comply with—

(a) an endorsement on his or her certificate;

or

(b) a condition to which the recognition of his or her certificate is subject.

Penalty: \$500.

(2) This regulation does not apply to duties undertaken—

(a) in accordance with an exemption granted under Part 3;

or

(b) in an emergency at sea.

Fees

23. The fees set out in schedule 4 of these regulations are payable to the Minister for the purposes specified in that schedule.

18.

SCHEDULE 1

Modification of the Code

PART 1

PRELIMINARY

Modification of Code

1. For the purposes of these regulations the Code is modified in the manner specified in this schedule.

Interpretation

2. A reference in the Code to "the Authority" must be read as a reference to the Minister.

PART 2

TRADING VESSELS — SECTION 2 OF THE CODE

Deletion of clauses 14 and 15

3. Part 3 of Section 2 of the Code must be read as if clauses 14 and 15 were struck out.

Variation of clause 17.2 — Syllabus — Master Class 5

4. Clause 17.2 of Section 2 of the Code must be read as if the following words were inserted at the end of that clause:

ENGINEERING KNOWLEDGE

In addition to the above requirements, the applicant must pass a 1 hour written exam (pass mark 60%) on the syllabus specified in clause 27.2 of this Section for a Marine Engine Driver (Motor) Grade 3.

PART 3

FISHING VESSELS — SECTION 3 OF THE CODE

Deletion of clauses 11 and 12

5. Part 3 of Section 3 of the Code must be read as if clauses 11 and 12 were struck out.

Variation of clause 14.2 — Syllabus — Skipper Grade 3

6. Clause 14.2 of Section 3 of the Code must be read as if the following words were inserted at the end of that clause:

ENGINEERING KNOWLEDGE

In addition to the above requirements, the applicant must pass a 1 hour written exam (pass mark 60%) on the syllabus specified in clause 17.2 of this Section for a Marine Engine Driver (Motor) Grade 3.

SCHEDULE 2*Certificates of Competency, River Murray and Inland Waters
(regulation 7(b))***1. CERTIFICATE OF COMPETENCY AS COXSWAIN RIVER MURRAY AND INLAND WATERS**

1.1 To be eligible for the issue of a Certificate of Competency as Coxswain River Murray and Inland Waters, an applicant must—

- (a) have attained the age of 18 years;
- (b) meet the eyesight and medical standards for a coxswain required by clause 16.1 of Section 2 of the Code as modified by schedule 1 of these regulations;
- (c) have not less than 6 months of approved service on small vessels;
- (d) satisfy the Minister (by oral, practical or written examination, as determined by the Minister) as to his or her competency in the syllabus set out in clause 1.2 of this schedule.

1.2 **Syllabus — Coxswain River Murray and Inland Waters**

Section 1 Vessel Handling

Demonstrate that the candidate can handle the proposed type or types of vessels for which a certificate is sought in all conditions that may be expected within the proposed operational area.

Section 2 Emergency and Safety

- (a) Action to be taken in an emergency;
- (b) Steps to be taken if capsized or holed;
- (c) Rendering assistance to others in distress; man overboard, procedures for recovery;
- (d) Seating, entering or leaving the boat by passengers;
- (e) Distribution of persons and equipment on board to ensure satisfactory stability and trim, buoyancy;
- (f) Fuelling precautions and use of fuels including fuel with a flashpoint below 60°C (petrol);
- (g) Knowledge of artificial respiration; working knowledge of first aid.

Section 3 Safety Equipment

- (a) Use of safety equipment;
- (b) Use of fire extinguishers;
- (c) Knowledge of statutory requirements for equipment;
- (d) Care and maintenance of equipment;

- (e) Use of distress signals.

Section 4 Meteorology

Understanding of local weather conditions and seasonal changes in local weather; stable and unstable weather patterns. Understanding of weather information, strong wind and flood warnings.

Section 5 Engineering Knowledge

- (a) Working knowledge of propelling machinery;
- (b) The care and maintenance of engines and batteries;
- (c) Basic knowledge of fuel filter systems;
- (d) Basic knowledge of pumping and venting systems;
- (e) Precautions against fire or explosion associated with the use of petrol, L.P. Gas, distillate or other fuel and with the charging of batteries.

Section 6 Seamanship and Local Knowledge

- (a) Knowledge of River Murray Traffic Regulations;
- (b) Knowledge of lights or local signals;
- (c) Knowledge of lock or local signals;
- (d) Knowledge of statutory requirements regarding registration of vessels and licensing of drivers and carriage of equipment; clear understanding of limitations of certificates;
- (e) Knowledge of regulations for private boating and obligatory assistance, reporting accidents etc.;
- (f) Knowledge of requirements for survey and maintenance of vessels and equipment;
- (g) Understanding of Notices to Shipping.

2 CERTIFICATE OF COMPETENCY AS MASTER CLASS 5 RIVER MURRAY AND INLAND WATERS

2.1 To be eligible for the issue of a Certificate of Competency as Master Class 5 River Murray and Inland Waters, an applicant must—

- (a) have attained the age of 18 years;
- (b) meet the eyesight and medical standards for a Master Class 5 required by clause 17.1 of Section 2 of the Code as modified by schedule 1 of these regulations;
- (c) —
 - (i) where the applicant does not hold a certificate of competency, have 12 months of approved service within the previous 5 years of which at least 6 months must have been served on commercial vessels of less than 80 metres in length on the River Murray or inland waters;

or

21.

- (ii) where the applicant holds other qualifications acceptable to the Minister, have a period appropriate to those qualifications of approved service on the River Murray or inland waters on vessels of less than 80 metres in length;
- (d) satisfy the Minister (by oral, practical or written examination, as determined by the Minister) as to his or her competence in the syllabus set out in clause 2.2 of this schedule.

2.2 Syllabus — Master Class 5 River Murray and Inland Waters

SHIP KNOWLEDGE

Section 1 Design and Construction

- (a) Knowledge of the principal parts of a vessel and their various functions;
- (b) Practical appreciation of how the watertight integrity of a vessel is maintained;
- (c) Practical knowledge of fuel, fresh water and ballast water arrangements, including pumping, cross flooding, sounding and venting facilities;
- (d) Practical knowledge of bilge pumping arrangements;
- (e) Practical knowledge of the steering arrangements of a vessel.

Section 2 Stability

A general understanding of the effect on the stability of a vessel of—

- (a) adding and removing weights;
 - (b) the disposition of passengers;
 - (c) ballast and fuel;
 - (d) slack tanks;
- and
- (e) free surface.

Section 3 Maintenance and Repairs

- (a) Methods of docking or slipping vessels;
- (b) The maintenance of vessels.

NAUTICAL KNOWLEDGE

Section 1 Marine Legislation

- (a) Knowledge of the certificates required to be carried by vessels;
- (b) A working knowledge of the law relating to the following:
 - (i) lifesaving appliances;

22.

- (ii) distress signals;
- (iii) rendering assistance;
- (iv) breaches of regulations concerning overloading;
- (v) fire appliances;
- and
- (vi) musters and drills.

Section 2 Meteorology

- (a) A knowledge of basic meteorological terms so that a candidate can interpret information provided by radio broadcasts and weather maps; a general understanding of stable and unstable systems;
- (b) An understanding of the effect of fetch on wave height.

Section 3 Protection of the Environment

- (a) A working knowledge of the law relating to the protection of the environment, including the pollution of the waters by oil and other materials;
- (b) Knowledge of the management of sewage holding tanks.

Section 4 Navigational Safety

- (a) A sound knowledge of the content and application of—
 - (i) The River Murray Traffic Regulations;
 - and
 - (ii) Channel and Lock Marking systems;
- (b) A knowledge of the content of publications and Marine Notices with respect to navigational warnings, precautions concerning submarine cables and pipelines and other information relating to the safe navigation of vessels on the River Murray and inland waters.

Section 5 Practical Seamanship

A working knowledge of the following:

- (a) knots, hitches and bends in common use;
- (b) care of rope, wire and chains;
- (c) the safe handling of moorings.

Section 6 Vessel Handling

A practical knowledge of the following:

- (a) berthing and unberthing;

23.

- (b) conning the vessel; the effect of propellers on the steering of a vessel; turning a vessel short round; negotiating locks;
- (c) the effect of current, wind and shallows on manoeuvring;
- (d) manoeuvring a vessel, including a vessel with independent or fixed paddles;
- (e) the dangers of manoeuvring and passing too close to vessels in a narrow channel or river;
- (f) emergency manoeuvres — emergency stop and man overboard procedures;
- (g) towing and being towed;
- (h) duties when under way and alongside;
- (i) approaching a ferry crossing.

Section 7 Safety Equipment and Emergency Procedures

A general knowledge of safe practices in the following:

- (a) the use and care of lifesaving appliances;
- (b) the use and care of fire fighting appliances;
- (c) the prevention of fire; fire fighting;
- (d) the action to be taken in the event of fire, collision, grounding or damage to the vessel;
- (e) precautions for the protection and safety of passengers and crew in emergency situations.

Section 8 Engineering

A practical knowledge of the operation of the mechanical equipment in the engine room of a small vessel, with particular reference to:

- (a) marine internal combustion engines and their fittings, shafting and propellers; preparation for the use of engines, fittings, etc;
- (b) the precautions necessary for the prevention of fire or explosion associated with the use of petrol, L.P. gas, distillate or other fuel and with the charging of batteries;
- (c) the action that should be taken in the event of fire or explosion, including the use of fire fighting appliances;
- (d) cooling water and fuel systems; bilge pumping arrangements, including precautions against back-flooding;
- (e) care of electrical systems, including batteries; safety procedures when working on low and medium voltage a.c. and d.c. systems; fuses and circuit breakers;
- (f) steering gear and deck machinery;
- (g) fuel consumption: estimation and calculation.

3 CERTIFICATE OF COMPETENCY AS MASTER CLASS 4 RIVER MURRAY AND INLAND WATERS

3.1 To be eligible for the issue of Certificate of Competency as Master Class 4 River Murray and Inland Waters, an applicant must—

- (a) have attained the age of 20 years;
- (b) meet the eyesight and medical standards for a Master Class 4 required by clause 19.1 of Section 2 of the Code as modified by schedule 1 of these regulations;
- (c) —
 - (i) where the applicant does not hold a certificate of competency, have 30 months of approved service, at least 12 months of which must have been served during the previous 5 years and at least 18 months of which must have been served on the River Murray or inland waters on commercial vessels of not less than 12 metres in length;
 - (ii) where the applicant holds a certificate of competency as Master Class 5 River Murray and Inland Waters, have 12 months of approved service during the previous 5 years, at least 6 months of which must have been served as mate on the River Murray or inland waters on vessels of not less than 12 metres in length;
- or
- (iii) where the applicant holds other qualifications acceptable to the Minister, have a period appropriate to those qualifications of approved service on the River Murray or inland waters on vessels of not less than 12 metres in length;
- (d) satisfy the Minister (by oral, practical or written examination, as determined by the Minister) as to his or her competence in the syllabus set out in clause 3.2 of this schedule.

3.2 Syllabus — Master Class 4 River Murray and Inland Waters

SHIP KNOWLEDGE

Section 1 Design and Construction

- (a) Knowledge of the principal parts of a vessel and their various functions;
- (b) Practical appreciation of how the watertight integrity of a vessel is maintained;
- (c) Practical knowledge of fuel, fresh water and ballast water arrangements, including pumping, cross flooding, sounding and venting facilities;
- (d) Practical knowledge of bilge pumping arrangements;
- (e) Practical knowledge of the steering arrangements of a vessel.

Section 2 Stability

A general understanding of the effect on the stability of a vessel of—

- (a) adding and removing weights;

25.

- (b) the disposition of passengers;
- (c) ballast and fuel;
- (d) slack tanks;
- and
- (e) free surface.

Section 3 Maintenance and Repairs

Knowledge of—

- (a) methods of docking or slipping vessels;
- (b) the maintenance of vessels.

NAUTICAL KNOWLEDGE

Section 1 Marine Legislation

- (a) Knowledge of the certificates required to be carried by vessels;
- (b) A working knowledge of the law relating to the following:
 - (i) lifesaving appliances;
 - (ii) distress signals;
 - (iii) rendering assistance;
 - (iv) breaches of regulations concerning overloading;
 - (v) fire appliances;
 - and
 - (vi) musters and drills.

Section 2 Meteorology

- (a) A knowledge of basic meteorological terms so that a candidate can interpret information provided by radio broadcasts and by weather maps; a general understanding of stable and unstable systems;
- (b) An understanding of the effect of fetch on wave height.

Section 3 Protection of the Environment

- (a) A working knowledge of the law relating to the protection of the environment, including the pollution of the waters by oil and other materials;
- (b) Knowledge of the management of sewage holding tanks.

Section 4 Navigational Safety

- (a) A sound knowledge of the content and application of—
 - (i) The River Murray Traffic Regulations;
 - and
 - (ii) Channel and Lock Marking systems;
- (b) A knowledge of the content of publications and Marine Notices with respect to navigational warnings, precautions concerning submarine cables and pipelines and other information relating to the safe navigation of vessels on the River Murray and inland waters.

Section 5 Practical Seamanship

A working knowledge of the following:

- (a) knots, hitches and bends in common use;
- (b) care of rope, wire and chains;
- (c) the safe handling of moorings.

Section 6 Vessel Handling

A practical knowledge of the following:

- (a) berthing and unberthing;
- (b) conning the vessel; the effect of propellers on the steering of a vessel; turning a vessel short round; negotiating locks;
- (c) the effect of current, wind and shallows on manoeuvring;
- (d) manoeuvring a vessel, including a vessel with independent or fixed paddles;
- (e) the dangers of manoeuvring and passing too close to vessels in a narrow channel or river;
- (f) emergency manoeuvres — emergency stop and man overboard procedures;
- (g) towing and being towed;
- (h) duties when under way and alongside;
- (i) approaching a ferry crossing.

Section 7 Safety Equipment and Emergency Procedures

A general knowledge of safe practices in the following:

- (a) the use and care of lifesaving appliances;
- (b) the use and care of fire fighting appliances;

- (c) the prevention of fire; fire fighting;
- (d) the action to be taken in the event of fire, collision, grounding or damage to the vessel;
- (e) precautions for the protection and safety of passengers and crew in emergency situations.

Section 8 Engineering

A practical knowledge of the operation of the mechanical equipment in the engine room of a small vessel, with particular reference to:

- (a) marine internal combustion engines and their fittings, shafting and propellers; preparation for the use of engines, fittings, etc.;
- (b) the precautions necessary for the prevention of fire or explosion associated with the use of petrol, L.P. gas, distillate or other fuel and with the charging of batteries;
- (c) the action that should be taken in the event of fire or explosion, including the use of fire fighting appliances;
- (d) cooling water and fuel systems; bilge pumping arrangements, including precautions against back-flooding;
- (e) care of electrical systems, including batteries; safety procedures when working on low and medium voltage a.c. and d.c. systems; fuses and circuit breakers;
- (f) steering gear and deck machinery;
- (g) fuel consumption: estimation and calculation.

SCHEDULE 3

*Minimum safety crewing: Fishing vessels
(regulation 15)*

Minimum crewing of fishing vessels

1. A fishing vessel referred to in columns 1 and 2 of tables 1 and 2 of this schedule must carry at least the number of crew members with at least the respective qualifications specified in those tables, in the positions set out in those tables.

Qualifications

2. A reference to a certificate of competency of a particular grade or with a particular endorsement in the tables in this schedule is a reference to—

(a) a certificate of competency of that grade or with that endorsement issued under the Act;

or

(b) a certificate of competency recognized under the Act as an equivalent certificate.

3. Table 1 — minimum crewing

COLUMN 1 VESSEL SIZE (LENGTH)	COLUMN 2 OPERATIONAL AREA	COLUMN 3 TOTAL COMPLEMENT	COLUMN 4 MASTER	COLUMN 5 CHIEF MATE	COLUMN 6 OTHER
80 metres and over	Unlimited Australian Coastal & Middle-water Offshore	* * *	* * *	* * *	* * *
35 metres and over, but less than 80 metres	Unlimited Australian Coastal & Middle-water Offshore Offshore (to 100nm) Inshore	* 6 5 5 4	* S1 S2 S2 S2	* S2 S3 S3 --	* 4 3 3 3
24 metres and over, but less than 35 metres	Unlimited Australian Coastal & Middle-water Offshore Offshore (to 100nm) Restricted Offshore	* 5 5 4 3	* S2 S2 S2 S2	* S3 S3 -- --	* 3 3 3 2

12 metres and over, but less than 24 metres	Unlimited Australian Coastal & Middle-water (see note 2) Offshore (see note 2) Offshore (to 100nm) (see note 2) Restricted Offshore	*	*	*	*
		3 or 4	S2	S3	1 or 2
		3 or 4	S3 endorsed (see note 3)	S3	1 or 2
		2 or 3	S3		1 or 2
		2	S3		1
Less than 12 metres	Unlimited Australian Coastal & Middle-water Offshore (see note 2) Offshore (to 100nm) (see note 1) Inshore	*	*	*	*
		*	*	*	*
		2 or 3	S3 endorsed (note 3)	S3	0 or 1
		1 or 2	S3	--	0 or 1
		1	Coxswain	--	--

* As determined by the Minister

Note 1: An additional person is required when length of voyage exceeds 12 hours.

Note 2: The engineer table indicates the number of engineers and the minimum engineer qualifications required, according to the propulsion power of a vessel and its operational area. These engineers are included in this table in the minimum total complement (Column 3) and in Column 6.

Note 3: Endorsement to 200nm is issued on completion of the examination in Navigation and Position Determination required for the issue of the Skipper Grade 2 certificate.

4. Table 2 — minimum crewing (engineers)

COLUMN 1 Propulsion Power	COLUMN 2 Operational Area	COLUMN 3 Chief Engineer	COLUMN 4 Second Engineer
Vessels of 1500 kw and over	Unlimited Australian Coastal & Middle-water Offshore Inshore	* * * *	* * * *
Vessels of 750 kw and over but less than 1500 kw	Unlimited Australian Coastal & Middle-water Offshore Restricted Offshore	* CLASS 3 CLASS 3 MED 1	* MED 1 MED 2 --
Vessels of 500 kw and over but less than 750kw	Unlimited Australian Coastal & Middle-water Offshore Inshore	* MED 1 MED 1 MED 2	* MED 2 -- --
Vessels of 250kw and over but less than 500kw	Unlimited Australian Coastal & Middle-water Offshore Inshore	* MED 1 MED 2 MED 3	* -- -- --
Vessels less than 250kw	Unlimited Australian Coastal & Middle-water Offshore (to 100nm) Inshore	* MED 2 MED 3 COXSWAIN	* -- -- --

* As determined by the Minister

Interpretation

5. In this schedule—

"**S1**", "**S2**" or "**S3**" means a Skipper Grade 1, 2 or 3:

"**CLASS 3**" means a Marine Engineer Class 3:

"**MED 1**", "**MED 2**" or "**MED 3**" means a Marine Engine Driver Grade 1, 2 or 3.

SCHEDULE 4*Fees**(regulation 23)*

	\$
1. for application to be examined (for certificates other than those referred to in item 2)	172
2. for application to be examined for a Coxswain, Coxswain River Murray and Inland Waters or Marine Engine Driver Grade 3 Certificate	127
3. for each written subject examined towards the following Certificates of Competency:	
Master Class 3, Skipper Grade 1	46
Master Class 4, Mate Class 4, Skipper Grade 2	35
Master Class 5, Skipper Grade 3	23
Master Class 4 River Murray and Inland Waters	23
Master Class 5 River Murray and Inland Waters	23
Coxswain, Coxswain River Murray and Inland Waters	23
Marine Engineer Class 3	58
Marine Engine Driver Grade 1	52
Marine Engine Driver Grade 2	35
Marine Engine Driver Grade 3	23
4. for each oral examination towards the following Certificates of Competency:	
Master Class 3, Skipper Grade 1	161
Master Class 4, Mate Class 4, Skipper Grade 2	150
Master Class 5, Skipper Grade 3	115
Master Class 4 River Murray and Inland Waters	150
Master Class 5 River Murray and Inland Waters	81
Coxswain, Coxswain River Murray and Inland Waters	69
Marine Engineer Class 3	150
Marine Engine Driver Grade 1	92
Marine Engine Driver Grade 2	58
5. for issue of Certificate of Competency	35
6. for endorsement of Certificate of Competency (other than on issue)	69
7. for re-validation of Certificate of Competency	69
8. for replacement of Certificate of Competency	69
9. for exemption from minimum crewing requirements (regs. 16, 19)	69
10. eyesight tests	35
11. for application for recognition of a Certificate of Competency issued by another Marine Authority (reg. 13)	69

34.

- | | | |
|-----|--|-----|
| 12. | for each oral examination prior to recognition of a Certificate of Competency issued by another Marine Authority (reg. 13) | 150 |
| 13. | for each oral examination, other than an examination specified elsewhere in this schedule, conducted for the purposes of these regulations | 81 |
| 14. | for each written examination conducted for the purposes of these regulations, other than an examination specified elsewhere in this schedule | 46 |

SCHEDULE 5

Transitional Provisions

Interpretation

1. In this schedule—

"the revoked regulations" means the *Examination for Certificates of Competency and Safety Manning Regulations 1981*, revoked by regulation 3 of these regulations.

Crewing of fishing vessels: status of certificates issued or recognized prior to commencement

2. Subject to clause 3 of this schedule, a certificate of competency issued, endorsed or recognized under the Act before the commencement of these regulations will (until altered or cancelled in accordance with the Act or these regulations) continue to be valid and effective to the same extent for the purposes of crewing a fishing vessel as it was immediately prior to that commencement.

Crewing of fishing vessels: equivalent certificates

3. (1) Subject to subclause (2), a certificate of competency of the grade or with the endorsement specified in column 1 of the following table, issued or endorsed by the Minister before the commencement of these regulations, will be taken, for the purposes of the crewing of a fishing vessel, to be a certificate of the grade specified in column 2:

Column 1	Column 2
Master Class III — Fishing	Skipper Grade 1
Master Class IV — Fishing	Skipper Grade 2
Skipper Grade 1 (Certificate of Competency or Service)	Skipper Grade 2
Master Class V — Fishing	Skipper Grade 3
Skipper Grade II (Certificate of Competency or Service)	Skipper Grade 3
Coxswain — Fishing	Coxswain
Coxswain — Trading	Coxswain
Coxswain (Certificate of Competency or Service)	Coxswain
Coxswain's Permit	Coxswain
Marine Motor Engine Driver 1st Class (Certificate of Competency or Service)	Marine Engine Driver Grade 1
Coastal Enginedriver First Grade	Marine Engine Driver Grade 1

Coastal Enginedriver Second Grade	Marine Engine Driver Grade 1
Marine Motor Engine Driver 2nd Class (Certificate of Competency or Service)	Marine Engine Driver Grade 2
Marine Motor Driver	Marine Engine Driver Grade 2
Harbor and River Enginedriver First Grade	Marine Engine Driver Grade 2
Harbor and River Enginedriver Second Grade	Marine Engine Driver Grade 2

(2) Notwithstanding subclause (1), an endorsement on a certificate of competency referred to in column 1 of the table (other than an endorsement specified in column 1) continues to be applicable for the purposes of these regulations.

Status of exemptions and permits issued prior to commencement

4. (1) An exemption in relation to minimum crewing requirements for a fishing vessel granted by the Minister under regulation 24 of the revoked regulations will be taken to be an exemption granted under regulation 16 of these regulations for the remainder of the period specified in that exemption.

(2) An exemption and corresponding temporary permit granted by the Minister under regulations 28 and 29 of the revoked regulations in relation to the minimum crewing requirements for a trading vessel will be taken to be an exemption granted under regulation 19 of these regulations for the remainder of the period specified in the temporary permit.

Existing candidates for certificates of competency

5. (1) A person who, prior to the commencement of these regulations, was admitted to examinations under the Act for a certificate of competency of a grade specified in regulation 6(1) of the revoked regulations and whose candidature did not lapse and was not otherwise terminated prior to that commencement, will be taken—

- (a) to have been admitted to examinations for an equivalent certificate of competency in accordance with these regulations;

and

- (b) to have passed such examinations in accordance with these regulations as are equivalent to those passed by the person prior to that commencement.

(2) A person referred to in subclause (1) will be taken, for the purposes of these regulations, to have been admitted to examinations for a certificate of competency and to have passed examinations—

- (a) at the time at which he or she was admitted or passed;

or

- (b) at such later time (not later than the day of commencement of these regulations) as the Minister may determine.

(3) In this clause—

"**equivalent certificate**", in relation to a certificate of competency of a grade specified in regulation 6(1) of the revoked regulations and listed in the first column of the table below, means the certificate of competency listed in the second column of the table opposite that certificate.

Certificate issued in accordance
with revoked regulations

Equivalent Certificate

For trading vessels:

Master Class III	Master Class 3
Master Class IV	Master Class 4
Mate Class IV	Mate Class 4
Master Class V	Master Class 5
Coxswain	Coxswain
Coxswain (restricted)	Coxswain
Marine Engineer Class III	Marine Engineer Class 3
Marine Engine Driver Grade I	Marine Engine Driver Grade 1
Marine Engine Driver Grade II	Marine Engine Driver Grade 2

For trading vessels operating solely on the River Murray and inland waters:

Master Class IV River Murray and Inland Waters	Master Class 4 River Murray and Inland Waters
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Master Class V River Murray and

Inland Waters	Master Class 5 River Murray and Inland Waters
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Coxswain River Murray and Inland

Waters	Coxswain River Murray and Inland Waters
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For fishing vessels:

Master Class III	Skipper Grade 1
Master Class IV	Skipper Grade 2
Master Class V	Skipper Grade 3
Coxswain	Coxswain
Coxswain (restricted)	Coxswain
Marine Engineer Class III	Marine Engineer Class 3
Marine Engine Driver Grade I	Marine Engine Driver Grade 1
Marine Engine Driver Grade II	Marine Engine Driver Grade 2

38.

APPENDIX

Legislative History

Schedule 5

Clause 3(1):

varied by 189, 1992, reg. 3