MUA Submission:

Draft Marine Order 505 (Certificates of Competency – National Law) 2019

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Australian Maritime Safety Authority

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Introduction

This submission has been prepared by Maritime Union of Australia (MUA). The MUA is a Division of the 120,000-member Construction, Forestry, Maritime, Mining and Energy Union and an affiliate of the 20-million-member International Transport Workers' Federation (ITF).

The MUA represents approximately 14,000 workers in the shipping, offshore oil and gas, stevedoring, port services and commercial diving sectors of the Australian maritime industry.

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Summary

Marine Order 505 (Certificates of Competency - National Law) affects every seafarer, master, vessel, operator, shipyard, port, harbour, training organisation, and surveyor in Australia, and all of the associated industries. The MUA is primarily concerned that the proposed changes to this Marine Order are driven by commercial pressure for qualifications to be 'simplified'[1] and duties for Certificates of Competency (CoC) to be extended without a commensurate increase to the training or experience required – and not research, analysis and best practice. We are concerned that these changes will compromise safety, and also will not address the key problems with our maritime qualifications system: which are that the two parallel systems of DCV and RAV qualifications are confusing, and the DCV do not sufficiently prepare people for the duties they are allowed to perform, and are not compliant with international standards in any way.

Many of the changes proposed to Marine Order 505 roll in exemptions and endorsements that were created to fill gaps in the National Law as it came into force – but in some cases the way this is done reduces the experience required to gain the CoC. No assessment or analysis of the existing qualification structure has been provided with the consultation. At present, a total of 189 people hold endorsements that increase the scope for their current Certificate to command vessels from <35m to <45m and from <80m to <100m.[2] We assume that this is very small percentage of the number of people currently holding these CoCs and are hardly a sufficient reason to change the structure of the system. People holding these endorsements are currently required to submit evidence of additional sea service on larger vessels in order to qualify for them. MO 505 removes this requirement.

We agree that the current system of exemptions does create significant problems with a lack of oversight, and that replacing them with a specific CoC does improve the situation. However, the resulting creation of the Coxswain 3 also highlights the problem of the level of training that is required, for people who are then allowed to work in complex and hazardous worksites carrying passengers. We do not support the proposed Coxswain Grade 3 CoC.

The MUA calls for a halt to any changes to Marine Order 505, pending:

- The development of a proper policy to guide regulatory changes, based on a safety analysis and global best practice
- A complete picture of what seafarers are affected by this Marine Order
- Safety analysis, risk assessments and research to underpin every decision made
- A complete review of the qualification and VET system to integrate STCW standards into the Near Coastal qualifications, reducing duplication, and cost, and allowing for career progression.

[1] AMSA, Consultation on the Near Coastal Qualifications Review Proposed New Marine Order 505 (Certificates of Competency – National Law) 2019, p.8.
[2] According to information provided by AMSA by correspondence on 2 October 2019.

- An analysis linking the impact of the projected shortage of international seafaring qualifications in Australia and the exclusion of any aspect of STCW standards from MO 505.

Australia must end the practice of excluding most of its domestic fleet from international standards of STCW, Maritime Labour Convention, and the Dangerous Goods Code.

Extension of duties with no change to training or sea time required

MO 505 outlines the requirements for a Certificate of Competency (CoC). These generally include: Vocational training (VET Certificate), a sea service requirement, a task book, and an assessment. An AMSA CoC then permits the holder to carry out certain duties and functions on board a vessel up to a specified limit.

One of the main features of the proposed MO 505 is that it extends the duties that seafarers are allowed to carry out, without any increase to the training or seatime required. For seafarers who currently hold endorsements for larger vessels, their seatime requirements will actually be reduced. The proposed changes to MO 505 will introduce a significant misalignment between the duties that seafarers are permitted to carry out, and what they are actually trained to do under the relevant VET qualification and the Australian Qualification Framework (AQF).

General Purpose Hand

A General Purpose Hand Certificate requires a VET Certificate I (Table 1). The AQF application criteria for a Cert I graduate is to:

> apply knowledge and skills to demonstrate autonomy in highly structured and stable contexts and within narrow parameters[3]

The current NSCV Part D allows for the following duties (Schedule 2):

a) assist a master or engineer in any tasks that may be required on board, while working under the direct supervision of the person in charge of the vessel or its engines
b) work:
    i. on deck or in the engine room of a vessel <80 m in the EEZ; and
    ii. in the engine room only for a vessel with propulsion power <3000 kW

[3] The Australian Qualifications Framework levels are available at: https://www.aqf.edu.au/aqf-levels. AQF Level 1 corresponds to a Certificate I. The levels and level criteria are an indication of the relative complexity and/or depth of achievement and autonomy.

The proposed duties for a GPH in the draft MO 505 are (Schedule 1):

- perform deck work on a vessel <100 m long and <3000 GT <EEZ under the direct supervision of the person in charge of the vessel
    - ***deck work*** means operation, maintenance or lookout tasks for any of the following: (a) navigation; (b) mooring; (c) anchoring;(d) cargo safety; (e) passenger safety

- perform engine work on a vessel with propulsion power <3000 kW <EEZ under the direct supervision of the person in charge of the engines of the vessel
    - ***engine work*** means tasks relating to machinery or equipment used for any of the following: (a) propulsion; (b) mooring; (c) anchoring; (d) cargo operation.

In order to gain a Certificate 1 in Maritime Operations (General Purpose Hand Near Coastal MAR10318), 8 units of competency must be completed. In most of these units, the syllabus is specifically limited to vessels under 80m, as it has been written specifically to meet the training requirements of Marine Order 505 and NSCV Part D. Arbitrarily expanding the duties of the GPH to vessels of up to 100m means that every existing GPH with the Certificate 1 will not be trained for these duties.

The requirement for 'direct supervision' of a GPH must also be addressed. According to MO 504 (Schedule 1, Clause 6), a vessel up to 35m in length can operate with a single person carrying out the duties of both Master and Engineer. Does the GPH have to be in visual contact and under immediate supervision of the Master at all times? How does this work on a larger vessel? How can a vessel operate effectively when every person carrying out deck or engine work must be supervised directly by the Master or Chief Engineer of the vessel.

We oppose the proposed increase in the permitted duties of the General Purpose Hand from work on a vessel <80m long to that of a vessel< 100m long, on vessels operating up to 200nm offshore. Instead the vessel size and scope of operations should be significantly reduced as the training is already not sufficient for use on 80m vessels operating out to the 200nm EEZ. It is not possible for the Master/ Engineer to directly supervise the GPH on vessels of this size, which is the whole premise of the CoC.

Table 1: Current and proposed requirements and duties for General Purpose Hand CoC. Key changes in bold.

Regulation	VET Certificate/ Qualification	Sea service	TAGS Book	Duties and limits	Assessment
Proposed MO 505	Cert I in Maritime Operations	NIL	NIL	Deck work on a vessel **<100m long**, <3000Gt, <EEZ Engine work on a vessel with pp <3000kW <EEZ Under direct supervision of person in charge on vessel/ engines.	NIL
Current NSCV Part D	Cert I in Maritime Operations	NIL	NIL	Assist a Master or Engineer, while under direct supervision of person in charge Work on deck or in the engine room **<80m long** <EEZ Work in engine room only of a vessel with pp <3000kW	NIL

Table 2: Current and proposed requirements and duties for Master <24m NC CoC. Key changes in bold.

Regulation	VET Certificate/ Qualification	Sea service	TAGS Book	Duties and limits	Assessment
Proposed MO 505	Cert III in Maritime Operations	120 days	YES	Command a vessel <24 m long <EEZ, act as chief mate on a vessel **<45m** long, Act as deck watchkeeper on a vessel **<100m** and <3000 GT Act as chief mate on a vessel **<100m** and <3000 GT in inshore waters, Undertake the duties and perform the functions of a General Purpose Hand NC and Master (Inland waters) NC	AMPA carried out by RTO
Current NSCV Part D	Cert III in Maritime Operations	120 days	YES	Command a commercial vessel <24 m long in waters to the outer limits of the EEZ Act as Chief Mate or deck watchkeeper on a vessel **<35 m** long in waters to the outer limits of the EEZ Act as Chief Mate or deck watchkeeper on a vessel **<80m** long in inshore waters **At least half of sea service must be seaward of sheltered waters, or will be restricted to command of a vessel only in sheltered water**	AMPA carried out by RTO

Master up to 24m Near Coastal

The mismatch between training and duties continues in the Certificate III in Maritime Operations (Master up to 24m Near Coastal), see Table 2. The majority of the units of competency have a specifically limited syllabus for vessels up to 24m, for example, 'MARN009 -Perform seamanship operations on board a vessel up to 24 meters'. We have examined the syllabuses for all the required units of competency, and were not able to find any mention of the seamanship duties required or hazards present on vessels over 24m.

The AQF knowledge and skills criteria for a Certificate III Graduate is:

> "Graduates at this level will apply knowledge and skills to demonstrate autonomy and judgement and to take limited responsibility in known and stable contexts within established parameters."[4]

AMSA proposes that the Master <24m NC may carry out the following duties, which are inconsistent with both the level training required and the AQF knowledge and skills criteria:

- command a vessel <24 m long <EEZ
- act as chief mate on a vessel <45m long <EEZ
- act as deck watchkeeper on a vessel <100m and <3000 GT <EEZ
- act as chief mate on a vessel <100m and <3000 GT in inshore waters
- undertake the duties and perform the functions of a General Purpose Hand NC and Master (Inland waters) NC

It is extraordinary that AMSA would propose that someone could be qualified to act as Chief Mate of a vessel up to 100m, potentially carrying many passengers, and demonstrate 'autonomy and judgement' in these circumstances, when all that person's training is geared for vessels less than 24m.

We reject the idea that a person commanding a vessel out to the EEZ is operating in 'known and stable contexts within established parameters'. We also reject the idea that a Master of a vessel operating 200nm offshore only has 'limited responsibility' for the vessel, crew and passengers. Who else will be there to share responsibility when they will be the most qualified person on board?

Considering that DCVs of any size are not required to have a separate lookout (as required by STCW), and the additional risk this poses to collision avoidance and the safety of navigation, we object to a Master <24m being permitted to act as a deck watchkeeper on vessels over 24m. This qualification does not include training on the operation of EDCIS or

[4] The Australian Qualifications Framework levels are available at: https://www.aqf.edu.au/aqf-levels. AQF Level 3 corresponds to a Certificate III. The levels and level criteria are an indication of the relative complexity and/or depth of achievement and autonomy.

ARPA.[5] This is particularly important in the light of the grounding of the Border Force vessel *Roebuck Bay*, in high traffic areas and in the sensitive marine environment in the Great Barrier Reef and Torres Strait areas. As learned from the *Roebuck Bay* incident, significant training is required to operate an ECDIS, and ARPA is equally important. This training is significantly lacking in the Near Coastal Syllabus. There is a significant gap in the management of the risk of DCVs operating near the Great Barrier Reef, for example, the recent Review of the North-East Shipping Management Plan[6] did not even mention DCVs. The proposed MO 505 only increases that risk.

The training and sea service requirements for the Master <24m NC do not prepare a person for any function on a vessel over 24m. They also do not prepare a person to operate outside beyond the constraints of "limited responsibility in known and stable contexts within established parameters". In addition to the lack of training in ECDIS or ARPA, there is very limited training in stability, and the sea service restriction has been removed for operations outside sheltered waters.

We oppose the proposed increase in the permitted duties of the Master <24m:

- from a deck watchkeeper on a vessel <80m long to a deck watchkeeper of a vessel <100m long, on a vessel operating up to 200nm offshore.
- From a chief mate on a vessel <35m to a chief mate on a vessel <45, on a vessel operating up to 200nm offshore.
- From chief mate on a vessel <80m long to chief mate of a vessel <100m, on a vessel operating in inshore waters

We also oppose the elimination of the requirement that at least half of sea service must be seaward of sheltered waters, or the CoC will be restricted to command of a vessel only in sheltered waters.

Instead the size and scope of the permitted duties of the Master <24m duties should be reduced to match the training, experience and stated parameters of the qualification, which we cannot see extending beyond 24m vessels operating in inshore waters, particularly where passengers are involved.

[5] ECDIS: Electronic Chart Display Information System (official electronic charts – can be paperless systems with no backup) ARPA: Automatic Radar Plotting Aid (the software on commercial RADARs that plots and tracks targets for collision avoidance).

[6] The 2019 Review of the North East Shipping Management Plan was published in July 2019 and is available at: https://www.amsa.gov.au/sites/default/files/amsa-1077-review-north-east-shipping-management-plan.pdf

Coxswain Grade 1 and 2

Duties have also been extended, with no increase in training or sea service for the Coxswain Grade 1 and 2 certificates. A summary is provided in Table 3.

For Coxwsain Grade 2 there is a significant extension of the permitted area - within 5 nm of shore as opposed to with 5nm from point of departure. It will be possible to access very remote areas with this CoC, however no radio licence is required. The restriction on carrying passengers has also been lifted. The risks involved with this proposal have been dramatically increased. We cannot see how someone could be allowed to take passengers to a remote area without a radio license after only 7 days sea service.

For Coxswain Grade 1, the restriction to only operate in sheltered waters if sea service has only been obtained in sheltered waters has been removed. It is also proposed that a Coxswain Grade 1 should be allowed to work as a Chief Mate or Deck watchkeeper <24m in inshore waters, and a General Purpose Hand on vessels up to 100m operating up to 200nm offshore. No additional training has been proposed to match these duties. The additional risks on vessels of up to 100m are significant, as are the chief mate and deck watchkeeping duties of vessels <24m. As the Coxswain Grade 1 is a dual qualification, why are engine duties on larger vessels not included?

We oppose these significant increases in duties that do not require any additional training or seatime.

Table 3: Current and proposed requirements and duties for Coxswain Grade 1 and Grade 2. Key changes in bold.

CoC Regulation	VET Certificate	Sea service	TAGS Book	Duties and limits	Assessment
Coxswain Grade 2 NC Proposed MO 505	Cert I in Maritime Operations	7 days	Yes	Command and operate the engines of a vessel <12m long. **May carry passengers.** Limits <3nm of parent vessel, **<5nm from shore/aquaculture lease**	AMPA by RTO
Coxswain Grade 2 NC Current NSCV Part D	Cert I in Maritime Operations	7 days	Yes	Command and operate the engines of a vessel <12 m long that is **not carrying passengers**: In sheltered waters or within **5 nm from point of departure, shore base or aquaculture lease**; and As a tender or auxiliary vessel within 3 nm of a parent vessel in waters to the outer limits of the EEZ;	AMPA by RTO
Coxswain Grade 1 NC Proposed MO 505	Cert II in Maritime Operations	30 days on commercial >5m	Yes	Command and operate the engines of a vessel <12m long. May carry passengers. Limits <3nm of parent vessel, <15nm from shore (inshore waters), **Chief Mate or Deck watchkeeper <24m in inshore waters** **General Purpose Hand**	AMPA by RTO
Coxswain Grade 1 NC Current NSCV Part D	Cert I in Maritime Operations	30 days, half must be seaward of sheltered waters	Yes	Command and operate the engines of a vessel <12 m long: in inshore waters, or in waters designated for a specific purpose if the holder does not meet the sea service requirement: only in sheltered waters or within 5 nm from point of departure, shore base or aquaculture lease May carry passengers	AMPA by RTO

Master up to 45m Near Coastal and Master up to 100m Near Coastal

AMSA says that the reason for extending the vessel length for some of the CoCs is to remove the large number of endorsements and simplify the system. However information supplied by AMSA shows that most of the endorsements allow CoCs to be used on DCVs operating between 200nm and 600nm offshore.[7] Only very few DCVs are allowed to operate this far offshore, as a result of a grandfathered exemption that applies to quite a small number of vessels. There are only two endorsement approvals that would be eliminated by the change of CoCs from Master less than 35m to 45m and Master less than 80m to 100m. These endorsement approvals are held by quite a small number of people, and perform a useful function in that they require people to gain additional seatime in a position of responsibility on a larger vessel before they receive the endorsement approval (see details in Table 4 and 5).

The number of people holding a Master <35m with an endorsement to command a vessel <45m is only 148, and the number of people holding a Master <80m endorsed to command a vessel <100m is only 41.[8] The draft MO 505 increases the size limit of the duties and functions of most CoCs to this size, apparently based on endorsements issued to a total of 189 people. It can be assumed that the number of these endorsements actually being used, and the vessels being operated using these endorsements is even smaller.

The change in CoC length and duties and functions proposed in the draft MO505 is far too significant a change to the qualification system to be justified by the convenience of such a small group of CoC endorsement approval holders. There is no improvement in training and actually a reduction in sea service now required to hold the CoCs that allow people to command vessels up to 45m and up to 100m in length. This is an additional risk for passengers and crew.

Currently, to obtain the endorsement to work on a vessel up to 45m long, the person must have an additional 120 days of seatime on vessels <24m while holding a Master <35m. This additional experience is crucial, and effectively amounts to a completely different CoC. The draft MO 505 completely removes this requirement, and does not require any additional training to compensate for the risk that was previously identified and resulted in the additional 120 days of sea service being required.

Currently, to obtain the endorsement to work on a vessel up to 100m long, the person must have an additional 20 days of seatime on vessels >80m. Only 41 people have this endorsement. Again, it is risky increasing the length of vessel for all CoC holders and watchkeepers based solely on a desire to ‘simplify’ the system by rolling in this endorsement.

[7] According to information provided by AMSA by correspondence on 2 October 2019.
[8] According to information provided by AMSA by correspondence on 2 October 2019.

We oppose the change of the Master less than 35m to 45m and Master less than 80m to 100m. The CoCs should be kept at the same length. The two relevant endorsements could be kept as a part of Schedule 1, or the existing holders be grandfathered, and future applicants be directed to obtain a Master <80m if they wish to command a vessel more than 80m long, or Master <3000GT if they wish to command a vessel more than 80m long.

Table 4: Current requirements and duties for Master <35m NC CoC and proposed requirements and duties for Master <45m NC CoC. Key changes in bold.

Regulation CoC	VET Certificate/ Qualification	Sea service	Duties and limits	Assessment
Proposed MO 505 Master <45m NC	Cert IV in Maritime Operations	180 days while holding a Master <24m on vessels >12m	Command a vessel **<45m** long <EEZ Command a vessel **<100m** and <3000 GT in inshore waters Act as chief mate or deck watchkeeper on a vessel **<100m** and <3000 GT <EEZ Undertake the duties and perform the functions of a General Purpose Hand NC	Oral exam by AMSA
Current NSCV Part D Master<35m N	Cert IV in Maritime Operations	180 days while holding a Master <24m on vessels >12m	Command a commercial vessel **<35m** long in waters to the outer limits of the EEZ Be Master of a vessel **<80 m** long in inshore waters Act as Chief Mate or deck watchkeeper on a vessel **<80m** long in waters to the outer limits of the EEZ	Oral exam by AMSA
Current endorsement approval Master <35m endorsed to <45m (148 issued)		**120 days in charge of a navigational watch on vessels >24m, while holding a Master <35m**	Command a domestic commercial vessel **<45m** long in waters to the outer limits of the EEZ	Additional application

Table 5: Current requirements and duties for Master <80m NC CoC and proposed requirements and duties for Master <100m NC CoC. Key changes in bold.

Regulation CoC	VET Certificate/ Qualification	Sea service	Duties and limits	Assessment
Proposed MO 505 Master <100m NC	Diploma in Maritime Operations	180 days on vessels>24m while holding Master<45	Command a domestic commercial vessel **<100 m long** <3000GT in waters to the outer limits of the EEZ undertake the duties and perform the functions of a General Purpose Hand NC, Master <24 m NC and Master<45 m NC	Oral exam by AMSA
Current NSCV Part D Master<80m NC	Diploma in Maritime Operations	180 days on vessels>24m while holding Master<45	Command a commercial vessel **<80m long** in the EEZ Act as a Coxswain if an engineering qualification is held Act in any other deck capacity	Oral exam by AMSA
Current Endorsement Approval Master <80m NC endorsed to <100m (41 issued)	Master <80m NC	**20 days in charge of a navigational watch on vessels >80m**	Command a domestic commercial vessel <100 m long <3000GT in waters to the outer limits of the EEZ	Additional application

Minimal Sea Service on inappropriately sized vessels

In the proposed MO505, a person can obtain a Master<24m NC with only 4 months sea service on commercial vessels greater than 7.5m in length. There is no restriction on the sea area where the sea service can be obtained, and there is not even a requirement for watchkeeping service. This effectively allows a person working on a 7.6m vessel without any qualification during daylight hours on sheltered waters to gain enough sea service and experience to be Master of a passenger vessel operating on the open sea with over 100 passengers on board.[9]

Task Books

The draft MO505 removes the option of completing more sea time instead of completing a task book for each certificate of competency. Insisting that all participants in the qualification system complete task books is good in theory. However, without AMSA checking these task books, verifying sea time and without independent assessments, the system is wide open to everything from box ticking to explicit fraud. At one of the consultation events, attendees were told that owners of vessels could sign off their own task books and submit it with a statutory declaration. Even the most honest person cannot self assess their own competence a new skill. This effectively means that a person could self assess their own task books and submit sea time as a master from a recreational license/ coxswain grade 3, on a vessel between 7.5 and 12m, all the way up to a Master <24m and MED 3. At that point, they could upgrade to a larger vessel to obtain sea service for a Master <45m and MED 2, again self-declare task books and sea service, and would only encounter an AMSA assessment for the first time at the exam for these higher level certificates.

The amount of responsibility that is held by a Master <24m is substantial especially considering the lack of oversight. In comparison, gaining a driver's license to a private car, it is required to complete a theory exam to gain a learner's permit, complete a required number of hours of supervised driving, a log book, hold the permit for at least 6 months, complete a practical exam conducted by a government official, hold a provisional license with restrictions for a number of years, and often have to complete another government test to graduate to a full license. It is generally then impossible to carry passengers in a commercial vehicle without at holding a full license for at least 5 years, and completing additional training and assessments for larger vehicles.

[9] Captain Cook Cruise's vessel Violet McKenzie is 23.9m in length and takes up 198 passengers inside Sydney Harbour, and 128 Passengers in coastal waters for whale watching.

Improving ratings qualifications

The Integrated Rating (IR) Certificate is an Australian qualification that combines STCW deck and engine qualifications. This is particularly useful for modern vessels with unmanned machinery spaces. An Australian IR is one of the most highly trained and versatile ratings in the world, and are trained to manage the risks of operating the largest and most complicated vessels. These risks include operating lifeboats and rescue boats, handling mooring lines and wires and the massive forces at work, handling dangerous cargoes, and offshore support work such as handing the enormous anchors of oil rigs. These crew are trained and capable of maintaining a complex vessel, carrying out required duties and responding to onboard emergencies.

A General Purpose Hand (GPH) on the other hand, has completed a week of training, including some safety training, and must work under the direct supervision of the person in charge of the vessel or engines. They are not required to have any on the job experience in order to obtain the certificate. This can be especially problematic for new comers to the industry proceeding to open sea for the first time with no experience in working in rough seas, yet they are permitted to work up to 200nm offshore.

This revision of Marine Order 505 has clearly missed the opportunity to create an intermediate Certificate of Competency for ratings on board DCVs. Vessels with increased risk such as tugs, passenger vessels, ro- ros, clearly need trained and experienced crew to operate. An additional Certificate of Competency aligned with STCW should be introduced at a VET Certificate II/ STCW Watch Rating level to fill this gap, with endorsements required to act as crew on these high risk vessels. For example, Australian Industry Standards is developing a training package for a Towage General Purpose Hand at a Certificate II level.

RTOs testing and ‘low complexity’ qualifications

The AMSA Mandated Practical Assessment (AMPA) is carried out by Registered Training Organizations (RTOs) for so-called ‘low complexity’ qualifications - currently designated to be Master<24m and MED3 certificates, and below. First, we reject the idea that working as the Master of a vessel operating out to the EEZ is a ‘low complexity’ skill. Second, we do not agree that skills should be assessed by the same organizations that teach them – testing should be carried out by an independent government authority, like AMSA.

Moreover, RTOs delivering Marine Order 505 qualifications are not required to teach courses for a minimum number of hours, and have reduced oversight by AMSA compared to RTOs that teach STCW/Navigation Act courses. This lack of oversight and external supervision again leads to cost minimization strategies, shortening learning times, lower standards, no guaranteed standards, inconsistency of standards between RTOs and an

expectation among students that if they pay for the class they are guaranteed a qualification.

Maritime training organisations were among the worst-performing Australian industries in an audit of course length by the Australian Skills Quality Authority. Out of 422 courses surveyed in 2015, four entry-level DCV courses were in the top seven of 'unduly short' courses. These included courses for the Coxswain Grade 1 NC, Master <24m NC, MED Grade 3 NC and MED Grade 2 NC. [10]

It is common sense that a government body responsible for declaring the 'competence' of the Master of a vessel carrying significant numbers of passengers be directly involved in assessing the level of competence of the person involved before giving them the certificate.

New qualification: Coxswain Grade 3

We support the aim of eliminating the current system of exemptions, which is confusing, not transparent, and makes accountability difficult. However, the requirements for, and limitations of the exemptions that the Coxswain Grade 3 will be replacing are generally of a higher standard than is proposed for the Coxswain Grade 3 CoC (summarised in Table 6).

Recreational licences are not of a high enough standard for the proposed duties, including carrying passengers. AMSA will have no oversight of this CoC at all, there are no sea service or first aid requirements, the vessels are larger, and are permitted to operate at night. The risks involved in these operations are much too high for this standard of training, experience and oversight required. In many cases workers and passengers will be at a higher risk in a vessel commanded by a person with the proposed Coxswain Grade 3 CoC than under the previous arrangements.

It is clear from the information provided on the exemptions that substantial numbers of commercial vessels are operated by people with only recreational training, exposing the industry to substantial risk.

Proposed use of state based recreational licenses and RYA qualifications for Australian CoCs

The proposed Coxswain Grade 3 NC and Sailing Master Coastal and Offshore Certificates of Competency introduce standards that are not nationally consistent or even Australian to the qualification framework. AMSA proposes that for these CoCs, recreational licenses issued by states or territories will be permitted to be used as a commercial CoC. This introduces inconsistent state based qualifications back into the DCV industry, defeating the purpose of

[10] From Australian Skills Quality Authority, *A review of issues relating to unduly short training*, June 2017

the National System entirely. In addition, a person may use an Australian Sailing course, or Royal Yachting Association (RYA) Powerboat Level 2 course as a Coxswain Grade 3, adding the additional complexity of not only recreational qualifications, but qualifications where the governing body of the association is based in a foreign country. This will also be impossible to enforce, as no AMSA CoC will actually be issued for the Coxswain Grade 3, and no centralised database will be able to be kept. The Sailing Master CoCs are based entirely on the RYA's Yachtmaster Qualifications. AMSA has absolutely no oversight of the RYA's process, training or assessment systems, with RYA endorsed schools operating all over the world.

Table 6: Proposed requirements and duties for the new Coxswain Grade 3 CoC, and a comparison with the exemptions that it will replace.

Regulation	Requirements	Sea service	TAGS Book	Duties and limits	Number of people	Assessment
Coxswain Grade 3 NC Proposed MO 505	Recreational licence, **OR** RYA Powerboat level 2, **OR** MAR training package (3 units)	NIL	NIL	Command and operate the engines of a vessel <12m long, with no more than 6 persons on board. **May carry passengers.** Limits <1nm of parent vessel, 1nm of shore/aquaculture lease, <100kW inboard, <250kW outboard Command and operate ferry in chains		None by AMSA
Exemption 38 Low complexity duties	Recreational Licence **and** Boating Industry Association card, **OR** MAR training package (3 units) First Aid required to carry passengers			Command and operate the engines of a vessel <12m long, <100kw inboard, 250kW outboard. <1nm from point of departure, <1nm from shore/ parent vessel, or in a marina, or sheltered waters <2m from coast, or within aquaculture lease. Daylight hours only (marinas excepted)	3100	
Exemption 13 Wildlife or other sightseeing	AMSA must consider person is able	NIL	NIL	Master of a vessel <12m, 100kW, <10kts, inland waters, viewing wildlife or sightseeing.	40	Unclear
Exemption 15 Scientific research and educational activities	Recreational Licence	NIL	NIL	Any duties on a vessel <7.5m, employees/ special personnel only, specific operation, specific areas	?	
Exemption 20 Special Operations	Recreational Licence, 'AMSA must consider person is able'	NIL	NIL	Master of workboat <7.5m, no passengers, smooth/inland waters, <100m of shore, <38kW	82	
Exemption 21 Operator vehicular ferry in chains	Recreational Licence, First aid certificate	20 days	NIL	Master of ferry in chains	85	

Certificates of Competency: what are they for?

When employing a person with a certificate of competency, it is reasonable to assume that that person is actually competent to carry out the duties permitted by that certificate. Instead, AMSA officials have told members of the maritime industry in MO505 consultation meetings that the operator of the vessel is responsible for ensuring that the person they hire is able to carry out their duties. This simply echoes AMSA's 'Statement of Regulatory Approach' which describes their approach as to 'be non-prescriptive where possible, leaving choice to those who bear responsibility for the outcome'. It is reasonable to expect a certain level of company, job and equipment-specific training and familiarisation.

However, the point of a national qualification system should be to give operators, members of the public, and other crew some assurance that people holding CoCs are generally able to perform the duties allowed by the CoC they hold. Yet the proposed minimum training and experience of a person with a Master <24m NC CoC in no way prepares them for acting as a deck watchkeeper or chief mate on an almost 100m/ 3000GT vessel, particularly if that vessel is a RAV with specific watchkeeping standards. A Master <24m has insufficient training in cargo operations, bridge procedures, ECDIS, ARPA, and stability to function in such a role.

It is reasonable for other crew members to expect that the person standing a watch knows how to read a chart, for example, or take charge of an emergency situation involving potentially hundreds of passengers. It is also reasonable for passengers and other water users to expect that the person in charge of a commercial vessel is competent and trained for the duties they are carrying out.

If AMSA has issued a certificate of competency, and permits that person to carry out specific duties, they are taking responsibility for that person's competence and ability to carry out those duties. If this is not the case, and CoC's are not evidence of competence, then they are effectively worthless, and simply an exercise in red tape and fee gathering.

Qualifications: the need for structural reform

The draft MO505 proposed by AMSA is a stopgap measure that does not improve safety or address the real source of complexity in the system. A full review of maritime qualifications is needed, with the objective of creating a single system based on improving safety, which allows for career progression, and is compatible with internationally agreed standards.

The objective should be to develop and implement an integrated and streamlined qualification system with STCW standards of competence integrated at all levels that will allow progression from a General Purpose Hand through to STCW Master Unlimited or Chief Engineer, including an 'intermediate' rating ticket between GPH and IR. Incorporating the higher standards of STCW, at an appropriate level, into the units of competency of the VET

certificates will increase the overall standards of Australian seafarers, reduce the complexity of the system and reduce overall training costs.

Another important objective is to ensure that people working on any type of vessel must have endorsements and training relevant to the work carried out on the vessel. High risk vessels must be manned with crew specifically trained for the work. The endorsements required for RAVs must be implemented for DCVs: fast ferries, dangerous cargoes, bunker barges, tankers, and ro – ros all require specific training, whatever paperwork the vessel holds. People working on vessels with lifeboats or fast rescue craft must be properly trained in their use. If there is a Breathing Apparatus on board, crew should receive the relevant training, and if there are large numbers of passengers, they should be trained in crowd control. It is ridiculous that high speed ferries are built in Tasmania, and yet it is impossible to find a bridge team with the correct endorsements.

All crew, including hotel and hospitality crew, should receive safety training as well as STCW-compliant survival and fire prevention training.

There is a need for much greater integration with the vocational qualifications and the industry skills council, skills required by industry, and the skills shortages in the maritime industry.

The much-needed review of MO505 must be undertaken in a more wholistic manner and should be incorporated with a review of the Navigation Act Marine Order 70 series, as well as the syllabus and VET certificates. There is no point continuing a piecemeal approach to maritime qualifications, when there is a definite and urgent requirement for a complete overhaul.

New Zealand recently completed such a holistic review, and there is no reason why Australia should not be able to implement a similar approach.[11]

Fishing

Fishing vessels also deserve separate consideration. The standards of training and qualifications onboard fishing vessels is very poor worldwide, and the operation of fishing vessels require specific training. Traditionally, these vessels have not been regulated by international conventions, and as a consequence have a poor safety record. STCW - F is an international convention describing the standards for Masters and watchkeepers on fishing vessels. New Zealand has ratified STCW -F not only for the benefit of their own seafarers,

[11] New Zealand's new maritime qualification framework is pictured on page 11: https://www.maritimenz.govt.nz/commercial/certification/documents/seafarer-framework-2014.pdf

but in order to protect foreign seafarers from safety violations and exploitation.[12] There are concerns that an increasing number of very large fishing vessels could be motivated to begin operations in Australia due to declining stocks elsewhere, and that our regulatory process are not fit to manage this.[13]

In Marine Order 51 (Fishing Vessels), consideration was given to the specific requirements for fishing vessels, including stability. Recent events such as the sinking of *Dianne*, *Returner*, *Cassandra* and *Night Raider* demonstrate the importance of specific training for fishing vessels. However, AMSA seems to no longer issue these fishing tickets. Fishing vessels are crewed with Near Coastal crew, limiting their operations to the Australian EEZ, and crewing RAVs with a mix of STCW crew, NC crew and unqualified crew. When STCW- F comes into force in NZ, or in other countries, it is unlikely that these qualifications will continue to be valid for work in New Zealand, and Australian fishing vessels working internationally may not meet the Port State Control requirements of foreign ports.

Due to the specific nature of their work, and the specific risks posed by fishing operations that are inherently different to that of trading vessels, fishing vessel qualifications should be split into a different stream aligned with STCW – F, following the trend of the international community. This should serve the unique needs of the fishing industry, allow access to fishing grounds outside the Australian EEZ, and improve safety outcomes and training standards.

Our place in a global system

While Australia is geographically isolated from the rest of the world, our maritime industry is global. Vessels come to Australia for certain projects such as offshore construction, the high speed ferries built in Tasmania voyage around the world, and Australian research, fishing and support vessels regularly operate in the wider region. Australia's Near Coastal system, rather than stepping up to reflect Australia's interest in the region looks inward and curtails our ability to gain experience overseas, work outside the EEZ, and even work on foreign charted vessels with our own waters.

The main international maritime conventions, STCW and SOLAS, apply to vessels on international voyages. How countries decide to regulate domestic vessels is at their own

[12]Conditions on board fishing vessels are described in this article from The Guardian: https://www.theguardian.com/world/2019/sep/12/ship-of-horrors-deep-sea-fishing-oyang-70-new-zealand

[13] Concerns are raised in the following article regarding foreign fishing vessels in Australian waters: https://www.marineconservation.org.au/report-reveals-foreign-owned-supertrawler-threats-to-australias-fish-stocks-and-marine-environment/

discretion. However, most countries align their domestic qualifications to feed into STCW qualifications, and not to create the confusing overlap that exists in Australia:

- The United States has various domestic qualifications for vessels up to 200GT. For bigger vessels, the STCW Master <500GT, <3000GT or unlimited is required.[14]
- In the UK, the domestic 'Boatmaster' can be used up to 3nm offshore and 15nm from point of departure. The training of the Boatmaster uses STCW components and required endorsements for carrying passengers, cargo, oil, towage etc. Masters of non-passenger vessels <24m in length are able to endorse a variety of qualifications, including RYA qualifications for commercial use. Other vessels must then use STCW qualifications as appropriate.[15]
- New Zealand had recently overhauled their entire commercial maritime qualification framework, ensuring that STCW components are used to reduce duplication, endorsing STCW F for fishing vessels and providing a career progression model so seafarers can move towards a higher certificate.[16]

In Australia, on the other hand, even the basic sea safety requirements are different for Near Coastal and foreign going qualifications. To transfer from the near coastal system to foreign going requires excessive additional costs, including effectively repeating sea safety and survival and liferaft training. This is in addition to different task books, sea service requirements, syllabus and training. Having two entirely separate qualifications (for example the Master <80m NC and the Master <3000GT) for what are effectively the same vessels is bizarre and unnecessary.

The direct economic cost of obtaining certificates of competency required to operate a vessel is just part of the effects of this Marine Order, with many secondary effects.

With the dual system in Australia's industry, crew often have to pay for additional training to work on a RAV. The basic safety training courses as part of the DCV training are similar, expensive, often carried out by the same RTOs, and are yet not to the same standards of the STCW courses. Crew on RAVs must also complete short courses for specific roles and types of vessel, however, many RAVs operating with DCV crew will sail without crew with these specialised certificates, despite being required to do so. Highly qualified crew with STCW certificates often find themselves out of work, as operators do not understand the value of a well-trained rating and the certificates they hold.

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[14] Further information on US Mariner's credentials is available at: https://www.dco.uscg.mil/national_maritime_center/

[15] The requirements for the UK's qualification for boatmaster's is MSN 1853 available at: https://www.gov.uk/government/publications/msn-1853-m-boatmasters-qualifications-crew-and-hours-of-work

[16] New Zealand's new maritime qualification framework is available from Maritime NZ at: https://www.maritimenz.govt.nz/commercial/certification/documents/seafarer-framework-2014.pdf

For operators, the cost of this dual – system approach to regulation is significant. Fishing skippers on a RAV with 600nm state issued tickets may find that they are suddenly required to have a STCW Master <500GT, and the entire crew is restricted to the 200nm EEZ limit. Tug operators may need to scramble to find STCW crew to do a job in the Pacific, only to find that another operator has an exemption to use DCV crew in a foreign country, using STCW crew only for the delivery, and undercutting business. Managing two sets of crew for a fleet of vessels then requires the employment of an experienced crew manager who can manipulate the system, further undercutting smaller operators. This is exactly the kind of bureaucratic red tape that needs to be abolished to ensure a fair playing field for all.

Skills shortage in the maritime industry

The MIAL Seafaring Skills Census Report 2018 report found, based on the views of maritime organisations that employ internationally certified seafarers on board ships and ashore, that an additional 560 internationally (Navigation Act) certified and qualified seafarers will be required (under current shipping policy settings) in the next 5 years to 2023, an 11.6% increase. These seafarers are required to operate ports, terminals and maritime infrastructure.

The significant increase in the number of ships now crewed by seafarers trained only to the lower standards in the National Law Act, or with no certified seafarers in some occupational streams on board, will continue to undermine the maritime skills base that Australian ports require to continue to function. Seafarers with specialised skills are required to work on petroleum and gas tankers and offshore oil and gas by the global industries that operate these ships, and the associated shore side roles in surveying, maintenance, loading and discharging etc. [17] Increasingly, these seafarers are not available to be recruited from overseas. CEO of the Maritime Industry Australia Limited Teresa Lloyd explained to a Senate committee that: “We are facing a worldwide shortage of these skilled seafarers … we can't rely on immigration for those skills and we can't rely on alternative pathways to create those training platforms … What we do know is the way to get those skills to run our ports, which our farmers are going to need, is to have time on board ships, and we need those assets to get that.”[18]

Instead of taking steps to address these problems by feeding the domestic system into an international framework, the inadequate proposals for MO 505 will allow this problem to develop and worsen.

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[17] OCIMF and OPITO are global industry bodies that set the standards for the oil and gas industry and the offshore industry respectively. https://www.ocimf.org/, https://www.opito.com/,

[18] Proof Committee Hansard Senate, *Inquiry into the policy, regulatory, taxation, administrative and funding priorities for Australian shipping*, Senate Rural and Regional Affairs and Transport References Committee, p.13.

Incompatible qualification frameworks

Even the units of measurement used to define qualifications in the Australian system are not compatible with the international system, and are not used consistently. Seagoing vessels over 24m in length around the world are measured in Gross Tonnage. This is a universally understood measurement that is used to classify qualifications - <500GT, <3000GT and Unlimited. Australia has instead decided to retain an arbitrary length measurement, demarked at <24m, <35m and <80m (additionally, this is measured length, not length overall, which is a more common measurement). The draft MO505 changes the delineation between qualifications from <35m to <45m, and <80m to <100m & 3000GT. This contradicts the following table in NSCV Part B (section 3.5), which aligns the measured length with the gross tonnage for qualification limitations:

Item	Measured length (metres)	Equivalent gross tonnage
1	12	20
2	24	80
3	30	200
4	35	500
5	45	1000
6	80	3000
7	120	7000

While previously 80m was considered equivalent to 3000 GT, now 100m will be considered equivalent to 3000GT. No explanation is offered.

System overlap

The creation of the National System meant we have instead found ourselves with two 'National Systems': Regulated Australian Vessels (RAVs) and Domestic Commercial Vessels (DCVs). But the appearance of two systems of legislation and accompanying Marine Orders masks a significant level of overlap and confusion between the two systems, which continues to add complexity.

Seafarers with Marine Order 70 (Seafarer Certification - Navigation Act) sail on DCVs. Seafarers with MO505 certification sail on RAVs, provided for by a clause in Marine Order 21 (Safety and Emergency Arrangements) (Section 10). Marine Order 51 (Fishing Vessels) is meant to provide standards for qualifications for Fishing Vessels that are RAVs, but this seems to be largely ignored, and instead Fishing RAVs are sailing outside the EEZ with crew with MO505 qualifications on board. AMSA also allows RAVs to sail in the territorial waters of PNG with MO505 crew, again blurring the lines of international agreements. This theme is continued in our relationship with New Zealand, where there is an agreement in place to

recognise each other's qualifications. New Zealand has recently changed their maritime qualification system, enlarging the gap between the standards of training between the countries.

The overlap and complexity of the two systems of qualifications is undeniable, convoluted and unnecessary. To reduce crew costs, operators must know these regulations, including exemptions and endorsements inside and out to remain competitive. This discriminates against smaller operators, which cannot afford the time or expertise required to navigate the system.