



AIMPE

Australian Institute of
Marine and Power Engineers
HEAD OFFICE

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Dear Mr Kinley

Errata

Please substitute this submission for that dated 20 August provided to you previously. There are 3 changes:-

- An amendment to the text of item i, and
- A correction in the text of item vii, and
- A new item xxviii

re Marine Order 3 - Seafarer Certification - Consultation Draft (Version 2)

Thank you for the consultation-draft (version 2) of MO 3 (issue 7), which we have downloaded from your website, which I note is actually the 4th version of draft Issue 7 provided to AIMPE since Issue 6 came into force.

Whilst your proposed document reinstates the 36 month duration of education and training for a Cadet Engineer to become a Watchkeeper it fails to address a number of substantial concerns about standards-reduction and it creates a number of new problems.

In summary the unacceptable provisions of this latest draft MO3(Issue 7) include:

- i. Whilst it reinstates the 36 month duration of education for a Cadet Engineer we believe it should provide for the duration of the cadetship to be reduced where an applicant, perhaps a mature age student, already comes with a relevant engineering Degree or other educational qualification for which the college can give recognition.

Further, the Draft does NOT fully reinstate the requirement for 36 weeks of approved practical workshop training **ashore**. We are sick and tired of the perpetual deletion by AMSA of important training elements without discussion as to their merit. There is no on-ship alternative to comprehensive Trade-Workshop training by Trade-qualified instructors in well-resourced machine-shops in an on-land Trade-College. This deletion is unacceptable.

- ii. APPROVAL: in order to deliver the agreed suite of engineering reforms in 2009 AMSA/AIMPE agreed that, as an essential part of delivering the previously agreed engineering improvements, MO3(Issue 7) would expressly give the power to approve all engineering matters only to the PRINCIPAL EXAMINER OF ENGINEERS, which position must also be specified in the definitions. Unacceptably, this draft does not do that.
- iii. In this draft AMSA re-instates the definition of AMSA EXAMINER. It still fails to provide definition of PRINCIPAL EXAMINER
- iv. AMSA's earlier drafts have sought to delete entirely the express requirement for ORAL EXAMINATIONS by an AMSA EXAMINER. Subsequently, AMSA had complained that the existing prescription does not permit assessment measures as a precursor to, and in addition to, the Oral Examination by an AMSA Examiner. This draft has deleted the express requirement for ORAL

EXAMINATIONS by an AMSA EXAMINER and proposes to require the applicant to pass a "...final assessment...". The definition of **Final Assessment** is therefore crucial:

*"...an assessment **by AMSA**, of which **part must be conducted by oral examination by an Examiner**, of whether the applicant has operational knowledge and knowledge of Australian maritime legislation appropriate for the grade of the certificate".*

We remain concerned that the **final** element, determinative of pass or fail, must be the Oral Examination by an AMSA Examiner. In the definition of **Final Assessment** **we therefore propose the addition of the underlined words below:**

*"...an assessment **by AMSA**, of which the final part must be conducted by oral examination conducted by an Examiner, of whether the applicant has operational knowledge and knowledge of Australian maritime legislation appropriate for the grade of the certificate".*

- v. The Draft retains definition of 'length', needed for deck-officer standards, but **provides no definition of 'propulsion power', needed for engineering standards.**
- vi. The Draft deletes existing **Engineer Class 3 Certificate provisions and relation to other certificates. This is unacceptable.**
- vii. no definition of an **STCW Endorsement to be added to a Class 3 Certificate. This is unacceptable.** Our members are now being **prevented from working in their profession by AMSA's unilateral decision to cease issuing STCW Endorsements on State-issued Class 3 & MED 1 Certificates from 31 December 2012.**

Our members are losing their jobs over this.

And more Engineers are unable to get work because of AMSA's decision.

AMSA wrongly takes the view that as AMSA does not require an STCW Endorsements for a holder of a State-issued Class 3 & MED 1 Certificate to work on an Australian-registered offshore vessel then there is no problem.

This is a fallacy.

More than 90% of the vessels on which our members are employed are NOT Australian-registered. So it is the requirements of the Foreign Flag-State authority that determine what certificate is needed on the vessel..... and they will only accept a Class 3 & MED 1 Certificate IF AND ONLY IF it carries an STCW Endorsement.

AMSA must re-instate Class 3 Certificates in this Draft MO3(7) and must re-instate the issuing of STCW Endorsements on Class 3 & MED 1 Certificates immediately, and continue to do so, so long as AIMPE/industry indicate there is a practical employment need for the practice to continue.

- viii. In a number of places when attributing a capacity to access a certain endorsement (e.g. an Engineer Watchkeeper can be endorsed as Chief Engineer on some vessels) if they hold a Class 3 certificate, the right/entitlement is only made available if the certificate was "...issued by a State before 1 July 2013...". However we fail to see why this right/entitlement should not also be available after that date. As we understand it a State may still issue such certificates and if they do so then there is no reason to exclude the holder from this right/entitlement.
- ix. The Draft contains definitions for certificates or endorsements for all the specialist elements as relates to deck officers.
But it contains NO definition of STEAMSHIP or MOTORSHIP Certificates of Competency for engineers:-
 - Not as a **grade** of Certificate of competency
 - Not as a **Vessel Endorsement**

- Not as a **Functions Endorsement**

AMSA's proposed section 12 stipulates that "...a person holding a seafarer certificate... **...is only permitted to perform the duties or functions mentioned for the grade of certificate in... ...Division 3.2 of Schedule 3...**" and those **grades** are ETO, Engineer Watchkeeper, Engineer Class 2 and Engineer Class 1.

Note that the examples in 10(6) of "**...Engineer Class II(Steam)...**" or "**...Engineer Class II(Motor)...**" or "**...Engineer Class II(Steam and Motor)...**" are **NOT grades of certificate stipulated by the provisions of AMSA's Draft**. Nor are they any form of Endorsement.

- x. Section 17(j) creates a legal difficulty in that it speaks of issuing engineering Certificates of Competency specifying the "**...sub-grade of certificate...**" which is a completely **undefined concept inconsistent with the remainder of the Draft**.

Division 3.2 of Schedule 3 permits each **grade** of engineering Certificate to perform the duties and functions appropriate to that **grade** of Certificate "...on a vessel powered my main propulsion machinery **of the kind** stated on the Certificate..." and **kind** is defined as:-

"...Kind, for propulsion of a ship, means steam or motor..."

So, astonishingly, Engineers are offered NO definitional recognition of Motor-Certificates and Steam-Certificates at all, the notation as to "...kind..." not even having the status of an Endorsement, yet:-

- if the vessel is Sail-powered then the Deck Officer has a defined VESSEL ENDORSEMENT for SAIL. In fact there are two varieties.
 - if the vessel is FAST then the Deck Officer has a defined VESSEL ENDORSEMENT for HIGHSPEED craft.
 - if the vessel carries passengers then there is a defined VESSEL ENDORSEMENT for Passenger Vessels.
 - Section 12 also requires that for a vessel with electronic mapping system onboard the deck officers must hold an additional **Certificate of Proficiency** "...as ECDIS trained."
- xi. AMSA's proposed prescriptions at section 11, 12 and 17 are **so restrictive that they may now prevent marine engineers from working as they have done for decades**. As an example, section 18 and Division 3.2 of Schedule 3 permits each grade of engineering Certificate to perform the duties and functions appropriate to that grade of Certificate "...on a vessel powered my main propulsion machinery **of the kind** stated on the Certificate, but there can be more KINDS of propulsion than merely STEAM or MOTOR. **Some Engineer Officers have been in charge of vessels that are GAS-TURBINE powered. AMSA's draft will prevent marine engineers from ever again being in charge of that form of propulsion. AMSA should proceed no further with this Draft and instead enter into discussions with AIMPE to agree on a resolution to this problem.**
 - xii. AMSA's Draft confuses the Certificate / grade definitions further because Section 10 defines Classes of **certificate**, but then also uses the additional terminology of **seafarer certificate** without defining how the latter is different from the former. Section 10(3) prima facie provides that a **seafarer certificate** may carry an Endorsement as to duties and functions but are we to infer that a **certificate** may not? **We presume this is an unintentional error?** Further, section 10(5) provides a prescription as it applies to **seafarer certificates** and then section 10(6) provides a prescription only for Engineers which refers to **certificates**, not **seafarer certificates**. This would lead to the conclusion that an Engineer Certificate of Competency is NOT a **seafarer certificate**? **We presume this is an unintentional error?**
 - xiii. The Draft contains FUNCTIONS ENDORSEMENT for DYNAMIC POSITIONING OPERATOR for deck officers. No similar regard to the need for Australian engineer officers to acquire a Certificate of Proficiency as DYNAMIC POSITIONING MAINTAINER.

- xiv. Section 10 (5) requires the surrender of any certificate that permits the same duties as another certificate, yet MO3(Issue 7) deletes the current Tables which set out the hierarchy of ALL Engineering Certificates including State-issued certificates such as Class 3, MED 1, MED 2 and MED 3. This relationship between the certificates is set out in Table 3 'Available Duties' currently in 31.1.3 of MO3(6) and Table 4 'Alternative Qualifications'. **AMSA's proposal to delete these results in there being no regulatory foundation for Section 10 (5) to operate.**

Section 11 PERMITTED DUTIES OR FUNCTIONS limits certificate-holders to the duties specified in Division 3.2 of Schedule 3.

AMSA's proposal to delete the above Tables will disadvantage Engineers by preventing qualified persons from working in lesser positions (e.g. a Class 2 Engineer working in a job that requires a MED certificate) because nowhere in this Draft is the relationship between those certificates prescribed.

- xv. **Electro-Technical Officer & Electro-Technical Rating** proposals are **unsafe**.
- Duties & Functions: the regulation is poorly and unsafely drafted. It uses the term being defined in its own definition. The Draft has failed to describe the duties and functions that are authorised to be performed.
 - **The MO3 should clearly prescribe that persons who are NOT Electrical Tradespersons must not perform such duties. The Draft fails to do so. This is a SAFETY ISSUE.**
 - The Draft makes NO requirement for FINAL ASSESSMENT / ORAL EXAMINATION for ETR.
- xvi. **Deletes the existing Engineer Watchkeeper initial training requirements.** This is unacceptable.
- xvii. Ignores our concerns with the proposed **workshop skills equivalent qualification** requirement for Trainee Engineers, which continues to rely on an arbitrary list of approved trades. We insist that **AMSA must deliver on the 2009-agreed engineering Trade reforms which require case-by-case assessment by Examiners under the overall power of the Principal Examiner** of Engineers to determine equivalence.
- xviii. **Does not deliver on the agreed 'bridge' from Engineer Class 3 to Engineer Watchkeeper.** AMSA based on evaluating the maintenance-experience of a Class 3 holder, over time, as equivalent to possession of an Approved TRADE for the purposes of the existing Engineer Watchkeeper initial training requirements. AMSA's latest idea via an "engineering experience training program" is inferior to that which, after detailed discussion, AMSA agreed with AIMPE in 2009.
- Disturbingly AMSA's proposed "**engineering experience training program**" constitutes a new avenue without the academic standards of Cadet Entry and without the Trade-standards [or equivalent] of Trainee Engineer.
- This is made worse by the proposal that the standard and duration of the **workshop skills training** is not set by the MO3 but **instead is to be determined by the college** that happens to be offering the training!!! **As a consequence it sets no definable or enforceable standard at all.** This is unacceptable.
- xix. for issue of an Engineer Class 2 certificate, reduces the required 15 months qualifying sea service to merely 12 months. There is no merit in this proposal and it is not supported by Chief Engineers in the industry or by this Institute.
- xx. allows the holder of a **State unrestricted EC3 certificate** entry into the EC2 stream on completion of 24 months sea service over 750 kW while holding the EC3 certificate. AIMPE initially proposed an access to the EC2 stream for those Class 3 holders who also hold an approved Trade. AMSA did not support our proposal and have had no further discussion with the industry on the merit of our proposal. **Yet now AMSA proposes an inferior standard without discussion.** This is unacceptable.
- xxi. for issue of an Engineer Class 1 certificate, reduces the required 15 months qualifying sea service to merely 12 months. There is no merit in this proposal and it is not supported by Chief Engineers in the industry or by this Institute.

- xxii. for issue of an Engineer Class 1 certificate, AMSA propose to reduce service periods and instead of insisting on service holding a Class 2 propose to count service holding a Class 3 towards Class 1. **AMSA proposes an inferior standard without discussion and agreement.** This is unacceptable.
- xxiii. Deletes existing engineering standards for calculating qualifying sea service and adopts new methodology more consistent with standards for deck officer calculations which have insufficient regard for engineering considerations. This is unacceptable.
- xxiv. Deletes the current requirements to calculate sea service on Navy vessels. This is unacceptable.
- xxv. deletes the current capacity for an engineering certificate to be revalidated based on service as an Electrical Engineer. This is unacceptable.
- xxvi. Deletes the revalidation course subjects currently listed in 35 of Section E of MO3(6). Why?
- xxvii. AMSA proposes to insert a provision, at Section 42(2)(c), which allows an Examiner to impose a time penalty of up to 6 months to persons failing an oral examination. There is no rational basis for this as AMSA's services are fully funded on a user-pays model hence subsequent re-examination is appropriately at the discretion of the candidate as to when they sit for re-examination/assessment. AMSA's proposed time penalty is also an unnecessary restriction on the capacity of a person to advance their marine engineering career. **The proposal must be deleted.**
- xxviii. In this Draft, at section 42, AMSA perpetuates the irrational belief that education acquired more than 10 years ago ceases to have validity. This is an extraordinary concept that AMSA unilaterally adopted some years ago, without discussion or agreement and contrary to the fundamentals of knowledge-based education. AMSA's section 42 goes even further and reduces this 'window' from 10 years to 5 years if there was no sea service in the intervening period. If AMSA's section 42 were applied in the wider Australian society a candidate for any position ashore requiring a Degree would after 5 years have to go back to university as the Degree would be regarded as without force. **This is an absurdity. AMSA must revoke section 42 in its entirety.**

sincerely



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