



Consultation Feedback Report – Repeal of Marine Order 506 (Approval of training organisations—national law) 2013

Outline

Australian Maritime Safety Authority (AMSA) is proposing to repeal *Marine Order 506 (Approval of training organisations—national law) 2013* (MO506).

Background

MO506 requires vocational education and training (VET) providers to obtain approval from AMSA to provide Maritime Training Package courses. It is a condition of that approval that a VET provider be registered with the Australian Skills Quality Authority (ASQA) or another VET regulatory body. ASQA is established by the *National Vocational Education and Training Regulator Act 2011* (NVR Act) and is the national regulator for VET providers in Australia.

MO506 duplicates the regulatory requirements of the NVR Act and the regulatory requirements imposed on VET providers in Victoria and Western Australia, who maintain separate legislative frameworks regulating VET providers. In particular, each of the eligibility criteria under MO506 for approval as an approved training organisation, as well as many of the conditions of that approval are also required under the NVR Act or relevant state legislation. This duplication imposes an unnecessary regulatory burden on VET providers.

AMSA has entered into a Memorandum of Understanding with Australian Skills Quality Authority (ASQA) and Letters of Exchange with the Victorian and Western Australian regulatory bodies about:

- the exchange of information between the statutory authorities; and
- AMSA providing maritime technical advice to auditors of these authorities on an ad hoc basis when the authorities are auditing VET providers.

Accordingly, AMSA considers MO506 is no longer required.

Consultation Feedback

Consultation on the repeal of MO506 was conducted from 6 March to 31 March 2017. Feedback was sought from the general public and key stakeholders including:

- the Domestic Commercial Vessel Advisory Committee;
- the Fishing Industry Advisory Committee;
- the Maritime Agencies Forum; and
- Registered Training Organisations.

AMSA received 5 comments in response to the proposed repeal on MO506. These comments and AMSA's responses are set out in **Table 1**.

MO506 has now been repealed and will take effect from 1 July 2017. Minor amendments consequential to the repeal of MO506 have also been made to the following instruments and are available on the [AMSA website](#):

- Marine Order 505 (certificates of competency—national law) 2013;
- National Standard for Commercial Part D Crew competencies Amendment No.1, 2017;
- Marine Safety (Sailing vessels with motor propulsion) Exemption 2017;
- Marine Safety (Steam-powered vessels) Exemption 2017; and
- Marine Safety (Low complexity duties) Exemption 2017.

TABLE 1

Note Submitters names have been removed from submissions prior to publishing this report.

Comment No.	Industry comment / submission	Response to submission
1.	I support the proposed repeal.	Thank you for your feedback.
2.	I couldn't add anything other than it's a sensible amendment.	Thank you for your feedback.
3.	As we have not actively administered the delegations outlined in MO506 for some time, we have no comments on: <ul style="list-style-type: none"> a) The proposal to repeal MO506; or b) The amendments to MO505. 	Thank you for your feedback.
4.	We in consultation with its member RTOs agrees and supports the proposed repeal of Marine Order 506. We encourages and applauds AMSA on its work to develop a closer working relationship with ASQA and looks forward to seeing both organisations coordinate their efforts to provide communications and consultations that will lead to the MAR training package and NC regulations that together fill the needs of the Boating Industry.	Thank you for your feedback.
5.	<p>We has reviewed the documentation associated with the Repeal of MO 506 and would like to make the following comments.</p> <ul style="list-style-type: none"> • We believe the changes would remove the requirement for an RTO delivering the Maritime Training Package to be approved by the Regulator (AMSA or MAST). • Instead, ASQA would be responsible for determining competence of the RTO to deliver the Marine Training Package. • We view this change as a degradation of the current system in place (at least in Tasmania) for the following reasons: <ul style="list-style-type: none"> ○ RTOs delivering against the MTP in Tasmania are currently audited on an annual basis (under MO 506) 	<p>Thank you for your feedback. That is correct. We note that ASQA, Training Accreditation Council Western Australia (TAC WA) and Victorian Registration and Qualifications Authority (VRQA) are the regulatory authorities for RTOs. AMSA will support these authorities with their functions following the repeal of MO506.</p> <p>ASQA carries out audits on a risk based approach. AMSA will communicate to ASQA and TAC WA if maritime RTOs are underperforming or present a risk to maritime safety through the continued delivery of training.</p>

Comment No.	Industry comment / submission	Response to submission
	<ul style="list-style-type: none"> ○ Under current ASQA audit arrangements an RTO will only be audited every 5-7 years. ○ We understand that an RTO could be audited if they do not meet reporting requirements or have proven complaints, but poor RTO delivery could still go unchallenged for extended periods. ○ Will ASQA retain current audit practices, where they audit across all qualifications delivered by an RTO. If yes, RTOs delivering non marine training may never have their marine units audited! ● Will this periodic (or non existent) audit process under ASQA result in rouge RTOs being able to operate? ● We must remember that maritime training is a regulatory requirement, with real safety outcomes at risk ● As to the proposed changes reducing duplication, we do not see how ASQA are actually taking on the role currently performed by MAST/AMSA. 	<p>ASQA will audit an underperforming RTO as soon as there is cause for concern based on their risk based approach to auditing.</p> <p>The MoU between ASQA and AMSA will ensure this does not take place. AMSA will communicate to ASQA and TAC WA if maritime RTOs are under performing.</p> <p>ASQA audits are risk based and will target RTOs which are of higher risk.</p> <p>The risk of rogue RTOs operating is mitigated by final assessments conducted by Marine Safety Agencies. Under performing RTOs can then be reported to ASQA and TAC for regulatory action if MSAs report them to AMSA.</p> <p>AMSA shares the same sentiment and for that reason would like to focus on the assessments of seafarers to ensure they are competent.</p> <p>As per our MOU with ASQA they have agreed to provide the regulatory oversight and get the support of AMSA in doing so.</p>