



**Australian Government**  
**Australian Maritime Safety Authority**

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AMSA MO 2013/3

**Marine Order 4 (Transitional modifications) 2013**

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I, Graham Peachey, Chief Executive Officer of the Australian Maritime Safety Authority, make this Order under subsection 342(1) of the *Navigation Act 2012*.

16 May 2013

**Graham Peachey**  
Chief Executive Officer

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## 1 Name of Order

This Order is *Marine Order 4 (Transitional modifications) 2013*.

## 2 Commencement

- (1) This Order commences on 1 July 2013.
- (2) However, for Schedules 7 and 16, Division 2 commences immediately after Division 1.

## 3 Modification of orders

For subsection 343(2) of the *Navigation Act 2012*, each order mentioned in the title of a Schedule has effect with the modifications of the order mentioned in the Schedule.

*Note 1* *Marine Orders Part 11 (Substandard ships)* is not supported by the *Navigation Act 2012* and is not being modified. It therefore ceases to have effect on 1 July 2013. However, a new *Marine Order 11 (Living and working conditions on vessels) 2013* commences on 1 July 2013. It combines the material formerly in *Marine Orders Part 10 (Medical first aid on ships)*, *Marine Orders Part 14 (Accommodation)* and *Marine Orders Part 53 (Employment of crews)*, which also are not being modified and therefore cease to have effect on 1 July 2013.

*Note 2* *Marine Orders Part 61 (Safe working on board ships)* is also not supported by the *Navigation Act 2012* and is not being modified. It therefore ceases to have effect on 1 July 2013. The effect of the order is dealt with under the *Occupational Health and Safety (Maritime Industry) Act 1993*.

*Note 3* Provisions of some orders as in force immediately before 1 July 2013 were made under both the *Navigation Act 1912* and the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* and are modified by this Order to the extent that they were made under the *Navigation Act 1912*. Therefore, from 1 July 2013, the text of those provisions to the extent that they were made under the *Navigation Act 1912* (and modified) will differ from the text of the provisions to the extent that they were made under the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*.

*Note 4* The orders as modified do not constitute compilations for the *Legislative Instruments Act 2003*. Compilations of the modified orders are available on AMSA's website at <http://www.amsa.gov.au>.

## Schedule 1 Marine Order 1, issue 2

(section 3)

### [1] Section 4

*substitute*

### 4 Purpose

The purpose of this Order is:

- (a) to facilitate the consistency and shortening of Marine Orders by setting out:
  - (i) rules of interpretation that generally apply to all Marine Orders; and
  - (ii) generic provisions that a Marine Order may adopt; and
- (b) to prescribe recognised organisations; and
- (c) to prescribe matters for the Navigation Act arrangements for vessels to opt in to coverage under the Navigation Act; and
- (d) to provide for the enforcement of civil penalty provisions in Marine Orders.

#### **4A Power**

- 4A.1 Paragraph 25(2)(d) of the Navigation Act provides for regulations to prescribe matters of which AMSA must be satisfied before, by written instrument, making an opt-in declaration for a vessel.
- 4A.2 Subsection 26(2) of the Navigation Act provides that if AMSA is satisfied of matters prescribed by the regulations AMSA is to revoke an opt-in declaration for a vessel if requested by the owner, or any of the owners.
- 4A.3 Subsection 305(1) of the Navigation Act provides for regulations to provide for a person who is alleged to have contravened a civil penalty provision to pay a penalty as an alternative to civil proceedings.
- 4A.4 Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed or that are necessary or convenient to be prescribed for carrying out or giving effect to the Act.
- 4A.5 Paragraph 339(2)(o) of the Navigation Act provides for regulations to be made providing for regulations of a transitional nature arising out of the enactment of the Navigation Act or the repeal of the Navigation Act 1912.
- 4A.6 Paragraph 341(3)(b) of the Navigation Act provides for regulations to be made providing for review of decisions under the regulations.
- 4A.7 Subsection 342(1) of the Navigation Act provides that AMSA may, by legislative instrument, make a Marine Order with respect to any matter for which provision must or may be made by the regulations.

#### **[2] Section 5, definition of Act**

*omit*

#### **[3] Section 5, definition of surveyor**

*substitute*

**Marine Order** means an order made under subsection 342(1) of the Navigation Act, section 24 of the AFS Act or section 34 of the Pollution Prevention Act.

#### **[4] Sections 6 and 7**

*substitute*

### **6 Definitions**

In a Marine Order, unless otherwise provided:

**AFS Act** means the *Protection of the Sea (Harmful Anti-fouling Systems) Act 2006*.

**Area Manager** means the person occupying the AMSA position of:

- (a) Manager, Ship Safety Division — North; or
- (b) Manager, Ship Safety Division — South; or
- (c) Manager, Ship Safety Division — East; or
- (d) Manager, Ship Safety Division — West.

**Australian fishing vessel** means a fishing vessel that is registered or entitled to be registered, in Australia.

**Australian General Shipping Register** has the same meaning as in subsection 3(1) of the *Shipping Registration Act 1981*.

**Australian International Shipping Register** has the same meaning as in subsection 3(1) of the *Shipping Registration Act 1981*.

**cargo vessel** has the meaning given to **cargo ship** in Regulation 2 of Chapter 1 of SOLAS.

**fishing operations** means:

- (a) the taking, catching or capturing of fish for trading or manufacturing purposes; and
- (b) the processing or carrying of the fish that are taken, caught or captured.

**fishing vessel** means a vessel that:

- (a) is used wholly or principally for fishing operations; and
- (b) is not:
  - (i) a customs vessel; or
  - (ii) a government vessel; or
  - (iii) a recreational vessel; or
  - (iv) a domestic commercial vessel.

*Note* The vessels mentioned in paragraph (b) are defined in the Navigation Act — see s 14(1) of the Act.

**General Manager, Emergency Response Division** means the person occupying the position of General Manager, Emergency Response Division, AMSA.

**General Manager, Marine Environment Division** means the person occupying the position of General Manager, Marine Environment Division, AMSA.

**General Manager, Ship Safety Division** means the person occupying the position of General Manager, Ship Safety Division, AMSA.

**IMO** means the International Maritime Organization.

**length**, for a vessel, has the same meaning as in the *International Convention on Load Lines, 1966*, as amended by the *Protocol of 1988 relating to the International Convention on Load Lines, 1966*.

**Manager, Marine Environment Standards** means the person occupying the position of Manager, Marine Environment Standards, AMSA.

**Manager, Ship Inspection and Registration** means the person occupying the position of Manager, Ship Inspection and Registration, AMSA.

**Manager, Ship Operations and Qualifications** means the person occupying the position of Manager, Ship Operations and Qualifications, AMSA.

**MARPOL** — see subsection 3(1) of the Pollution Prevention Act, meaning of *the Convention*.

**national law** — see section 14 of the Navigation Act, meaning of *Marine Safety (Domestic Commercial Vessel) National Law*.

**National Standard for Commercial Vessels** (or *NSCV*) — see section 6 of the national law, meaning of *National Standard for Commercial Vessels*.

**natural resources** means the mineral and other non-living resources of the seabed and its subsoil.

**Navigation Act** means the *Navigation Act 2012*.

**offshore industry mobile unit** means:

- (a) a vessel or structure that is used or intended to be used wholly or primarily in, or in any operations or activities associated with, or incidental to, exploring or exploiting natural resources by drilling the seabed or its subsoil or by obtaining substantial quantities of material from the seabed or

its subsoil, with equipment that is on or forms part of the vessel or structure; or

- (b) a barge or similar vessel that is used or intended to be used wholly or primarily in connection with the construction, maintenance or repair of offshore industry fixed structures.

**offshore support vessel** means a vessel, other than an offshore industry mobile unit, that is used or intended to be used in any operations or activities associated with, or incidental to, exploring or exploiting natural resources.

**passenger vessel** has the same meaning as **passenger ship** in Regulation 2 of Chapter I of SOLAS.

**Pollution Prevention Act** means the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*.

**SOLAS** has the same meaning as **Safety Convention** in section 14 of the Navigation Act.-

**STCW Code** means the Seafarers' Training, Certification and Watchkeeping (STCW) Code as adopted by resolution of the 2010 Conference of Parties to the STCW Convention.

*Note* The resolution mentioned in the definition of **STCW Code** forms part of a package of amendments (the Manila amendments) made by the 2010 Conference of the Parties to the STCW Convention (STCW/CONF.2/34).

**structure**, for paragraph (a) of the definition of **offshore industry mobile unit**, means a structure that is:

- (a) not a vessel; and  
 (b) able to float or be floated; and  
 (c) able to move or be moved as an entity from place to place.

**USL Code** means the Uniform Shipping Laws Code adopted by the Australian Transport Council established by the Council of Australian Governments (COAG) and as in force from time to time.

*Note 1* Other terms used in Marine Orders have the same meaning they have in the Act or Acts under which they are made — see s 14(1) of the Navigation Act, s 3 of the AFS Act and s 3 of the Pollution Prevention Act.

*Note 2* The term **owner** is defined in s 14(1) of the Navigation Act. It includes the person with overall general control and management of the operation of a vessel. This is equivalent to a *Company* defined in paragraph .25 of regulation I/1 of the STCW Convention, regulation IX-1 of SOLAS and paragraph 1.1.2 of Part A of the International Safety Management Code (ISM Code) of the IMO.

## 7 Recognised organisations

For the definition of **recognised organisation** in section 14 of the Navigation Act, each corporation or association mentioned in Schedule 1 is prescribed.

## [5] Section 10, notes 1 and 2

*substitute*

*Note 1* Subregulation 4 of the *Protection of the Sea (Prevention of Pollution from Ships) Orders Regulations 1994* provides that a person who fails to comply with a provision of an Order made under subsection 34(1) of the Act that is expressed to be a penal provision is guilty of an offence punishable by a fine not exceeding 50 penalty units. Subregulation 4(2) provides that an offence against subregulation 4(1) is an offence of strict liability. Regulation 4 of the *Protection of the Sea (Prevention of Pollution from Ships) Orders Regulations 1994* provides similarly about provisions of Orders made under the Pollution Prevention Act. Section 24 of the AFS Act provides that Orders made under that Act cannot impose penalties for contravention of the Orders.

*Note 2* Orders made under the Navigation Act (unlike those made under the *Navigation Act 1912*) may directly impose penalties for contravention of an Order or of a notice, direction etc given under an Order — see Navigation Act, s 341(1)(a) and s 342(1). Penalties cannot be more than 50 penalty units for an individual or 250 penalty units for a body corporate — see Navigation Act, s 341(1)(a) and *Crimes Act 1914*, s 4B. Orders may also impose civil penalties — see Navigation Act, s 341(1)(b).

*Note 3* For the value of a penalty unit — see *Crimes Act 1914*, s 4AA.

*Note 4* For an act or omission constituting an offence under 2 or more laws — see *Crimes Act 1914*, s 4C.

## [6] Division 4

*substitute*

### Division 4 Approved forms

#### 20 Approved forms

If AMSA approves a form for a particular purpose in an Order, the approved form must be used for that purpose.

*Note 1* AMSA may, in writing, approve a form for a provision of an Order made under the Navigation Act or the Pollution Prevention Act — see Navigation Act, s 338 and definition of *this Act* in s14(1), and Pollution Prevention Act, s3A and definition of *this Act* in s3(1).

*Note 2* Approved forms are available on the AMSA website at <http://www.amsa.gov.au/forms>.

### Division 5 Opting in to coverage

#### 21 Opt-in declaration — prescribed matters

21.1 An application under subsection 25(1) of the Navigation Act for an opt-in declaration must be in the approved form.

*Note 1* See section 20 for information about approved forms.

*Note 2* AMSA may determine fees for processing applications — see section 47 of the AMSA Act.

21.2 For paragraph 25(2)(d) of the Navigation Act, other matters of which AMSA must be satisfied are the following:

- (a) the vessel is in class with a recognised organisation and is maintained in accordance with the requirements of the recognised organisation for the class;
- (b) the vessel is not any of the following:
  - (i) a recreational vessel;
  - (ii) a Class 1E vessel;
  - (iii) a Class 2D or 2E vessel;
  - (iv) a Class 3B, 3C, 3D or 3E vessel;
  - (v) a Class 4C, 4D or 4E vessel;
- (c) if AMSA considers that the vessel must be inspected before making a decision on the application —the vessel has been inspected by an inspector;
- (d) if the vessel is a Class 1B or 2B vessel —it complies after 19 August 2013 with each requirement of the Maritime Labour Convention that applies to a vessel of its size;

- (e) the vessel complies with the safety management requirements mentioned in section 7 of *Marine Order 58 (International Safety Management Code) 2002* or the operation requirements that apply to the vessel under *NSCV Part E — Operations*.

*Note 1* For paragraph (b), vessels are assigned a service category according to the nature of vessel's use and operational areas — see clause 3.5.1 of Part B of the NSCV.

*Note 2* Opt-in declarations are made by AMSA under subsection 25(2) of the Navigation Act. AMSA must be satisfied of the matters mentioned in subsection 21.1, together with other things mentioned in subsection 25(2), before making a declaration. AMSA may revoke a declaration under subsection 26(4) of the Navigation Act if no longer satisfied of these matters.

*Note 3* For review by the Administrative Appeals Tribunal of decisions made under the Navigation Act — see section 313 of the Navigation Act.

## **22 Revocation of opt-in declaration — prescribed matters**

For subsection 26(2) of the Navigation Act, other matters of which AMSA must be satisfied are the following:

- (a) the vessel has not been maintained in accordance with the requirements of the recognised organisation with which it is in class;
- (b) the vessel does not, after 30 days after commencement of the opt-in declaration for the vessel, comply with the requirements of the Navigation Act, including certification requirements, that apply to a vessel of its size and class;
- (c) the vessel does not comply with any other condition that AMSA has applied to the declaration.

*Note* AMSA must revoke an opt-in declaration for a vessel if the owner, or any of the owners, of the vessel requests, and AMSA is satisfied of the matters mentioned in this section — see subsection 26(2) of the Navigation Act.

## **Division 6 Infringement notices**

### **23 When infringement notice can be given**

If there are reasonable grounds for believing that a person has contravened a civil penalty provision, AMSA or an inspector may give to the person an infringement notice for the infringement notice penalty of one-fifth of the maximum penalty that a court could impose on the person for contravention of the provision.

### **24 Contents of infringement notice**

24.1 The notice must include the following information:

- (a) the name and address of the person given the notice;
- (b) if the person is an individual — the person's date of birth;
- (c) the provision of the Navigation Act, Marine Orders or the regulations that is alleged to have been contravened;
- (d) details of the alleged contravention, including:
- (i) the day and, if known, the time when it is alleged to have occurred; and
- (ii) the place where it is alleged to have occurred;
- (e) the maximum penalty that may be imposed by a court for the alleged contravention;
- (f) the amount payable as the infringement notice penalty;



- (g) a statement that the person can apply to AMSA for an extension of time to pay under section 27;
  - (h) a statement that the person may pay a penalty as an alternative to civil proceedings:
    - (i) before the end of 28 days after the day the notice is given; or
    - (ii) if a further period is allowed by AMSA under section 27 — before the end of the further period; or
    - (iii) if payment by instalments is permitted by the AMSA under section 28 — in accordance with the permission;
  - (i) how and where the infringement notice penalty may be paid;
  - (j) a statement that if, before the end of 28 days after service of the notice, the person tells AMSA, in the way set out in the notice, about any facts or matters that the person thinks should be taken into account for the contravention and asks that AMSA withdraw the notice in accordance with section 29:
    - (i) time for payment of the penalty will be extended to the extent necessary for a decision to be made about those facts or matters; and
    - (ii) AMSA must consider the matters mentioned in section 29;
  - (k) a statement that, if the infringement notice penalty is paid in time:
    - (i) the person's liability for the contravention is discharged; and
    - (ii) further proceedings cannot be taken against the person for the contravention.
  - (l) a statement to the effect that, if none of the things mentioned in paragraph (h) or (j) is done within the time specified, the person may be proceeded against for the alleged contravention and may be found liable for an amount up to the maximum penalty for the contravention;
  - (m) the name or identifying number of the person who gave the notice.
- 24.2 An infringement notice may contain any other information that AMSA or the inspector considers necessary.

## **25 Giving the notice**

- 25.1 The notice must be given to the person within 12 months after the alleged contravention occurred.
- 25.2 The notice must be given by:
- (a) handing the notice to the person; or
  - (b) mailing it to the person's last known address; or
  - (c) leaving it at the person's last known address with a person apparently over 16 years old; or
  - (d) if the person is a body corporate:
    - (i) mailing it to the registered office of the person; or
    - (ii) leaving it at the registered office of the person with a person apparently over 16 years old.

## **26 Time for payment of penalty**

The penalty stated in an infringement notice must be paid within:

- (a) 28 days after the day when the notice is given to the recipient; or
- (b) another period mentioned in this Order.

## **27 Extension of time to pay**

- 27.1 On written application by a person to whom an infringement notice has been given, AMSA may grant, if satisfied that in all the circumstances it is reasonable to do so, a further period for payment of the infringement notice penalty, whether or not it is more than 28 days after the notice was given.
- 27.2 If application is made after 28 days after the notice was given, the application must include an explanation why the person issued the notice could not deal with the notice within that period.
- 27.3 AMSA must:
- (a) grant or refuse a further period; and
  - (b) give the applicant written notice of the decision; and
  - (c) if the decision is a refusal — mention in the notice the reasons for refusal.
- 27.4 The person must pay the penalty:
- (a) if a further period is granted — before the end of that period; or
  - (b) if the decision is a refusal — before the end of the later of:
    - (i) 7 days after receiving notice of the refusal; or
    - (ii) the 28 day period.

## **28 Payment by instalments**

- 28.1 On written application by a person to whom an infringement notice has been given, AMSA may make an arrangement with a person to whom an infringement notice has been given (whether or not the period of 28 days after the date of giving the notice has ended) for payment of the amount of the infringement notice penalty by instalments.
- 28.2 AMSA must:
- (a) grant or refuse to make an arrangement; and
  - (b) give the applicant written notice of the decision; and
  - (c) if the decision is a refusal — mention in the notice the reasons for refusal.
- 28.3 The person must pay the penalty:
- (a) if an arrangement is made — in accordance with the arrangement; or
  - (b) if the decision is a refusal — before the end of the later of:
    - (i) the 28 day period; or
    - (ii) 7 days after receiving the notice of the refusal.

## **29 Withdrawal of infringement notice**

- 29.1 Whether or not a notice is received under subsection 29.2, AMSA, if satisfied that in all the circumstances it is proper to do so, may withdraw an infringement notice.
- 29.2 Before the end of 28 days after receiving the infringement notice, the recipient may apply, in writing, to AMSA for it to be withdrawn.
- 29.3 Within 28 days after receiving the application, AMSA must:
- (a) withdraw, or refuse to withdraw, the notice; and
  - (b) give the applicant written notice of the decision; and
  - (c) if the decision is a refusal — mention in the notice the reasons for the refusal.

- 29.4 In making a decision, AMSA must consider:
- (a) the facts or matters mentioned in the application; and
  - (b) the circumstances in which the contravention of the Navigation Act mentioned in the notice is alleged to have occurred; and
  - (c) whether the person has been found previously to have contravened a civil penalty provision in the Navigation Act; and
  - (d) whether an infringement notice has previously been given to the person for an contravention of the same kind as that mentioned in the notice; and
  - (e) any other matter AMSA considers relevant to the decision.
- 29.5 If an infringement notice is withdrawn, any amount of infringement notice penalty paid under the notice must be repaid to the person who paid it.

### **30 Notice of refusal**

If AMSA decides to refuse to withdraw an infringement notice, notice of the decision must state:

- (a) that if the amount of the infringement notice penalty is paid within 28 days after notice of the decision is given to the person, the person will not be prosecuted for the alleged contravention; and
- (b) that if the amount is not paid, the person may be prosecuted for the alleged contravention.

### **31 Payment of penalty if infringement notice not withdrawn**

If AMSA refuses to withdraw an infringement notice, the applicant for withdrawal must pay the infringement notice penalty before the end of the 28 days after receiving notice of the refusal.

### **32 Effect of payment of infringement notice penalty**

- 32.1 If a person who is given an infringement notice pays the infringement notice penalty in accordance with this Division:
- (a) the person's liability for the contravention is discharged; and
  - (b) further civil proceedings cannot be taken against the person for the contravention; and
  - (c) the person is not taken to have done the contravention.
- 32.2 Subsection 32.1 applies to a person who makes an arrangement to pay the infringement notice penalty by instalments, only if the person makes payments in accordance with the arrangement.

### **33 Admissions under subsection 29.2**

Evidence of an admission made by a person in an application under subsection 29.2 is inadmissible in proceedings against the person for the alleged contravention.

### **34 Matter not to be taken into account in determining penalty**

- 34.1 This section applies if a person who is given an infringement notice:
- (a) elects not to pay the infringement notice penalty; and
  - (b) is found by an eligible court to have contravened the civil penalty provision mentioned in the notice.
- 34.2 In determining the penalty to be imposed, the court must not take into account the fact that the person chose not to pay the infringement notice penalty.

### **35 Evidence for hearing**

- 35.1 At the hearing of proceedings for an alleged contravention mentioned in an infringement notice, the following certificates are evidence of the facts stated in the certificate:
- (a) a certificate signed by AMSA or an inspector stating that:
    - (i) the notice was given to the person alleged to have done the contravention; and
    - (ii) the infringement notice penalty has not been paid in accordance with this Division;
  - (b) a certificate signed by AMSA or an inspector and stating that the notice was withdrawn on a day mentioned in the certificate;
  - (c) a certificate signed by AMSA and stating that:
    - (i) a further period was refused, under section 27, for payment of the infringement notice penalty; and
    - (ii) the infringement notice penalty has not been paid in accordance with this Division;
  - (d) a certificate signed by AMSA and stating that a notice, a copy of which is attached to the certificate, was given on the day mentioned in the certificate;
  - (e) a certificate signed by AMSA and stating that:
    - (i) for section 27, the further time mentioned in the certificate for payment of the infringement notice penalty was granted; and
    - (ii) the infringement notice penalty was not paid in accordance with the notice or within the further time.
- 35.2 A certificate that purports to have been signed by AMSA or an inspector is taken to have been signed by that person unless the contrary has been proved.

### **36 Infringement notice not compulsory, etc**

Nothing in this Division is taken:

- (a) to require that a person suspected of having contravened a civil penalty provision in the Navigation Act be given an infringement notice; or
- (b) to affect the liability of a person to be prosecuted for an alleged contravention, if:
  - (i) an infringement notice is not given to the person for the contravention;  
or
  - (ii) an infringement notice is given, and withdrawn; or
- (c) to limit the penalty that may be imposed by a court on a person for the contravention.

## Division 7 Transitional matters

### 37 Certificates

37.1 For paragraph 339(2)(o) of the Navigation Act, a certificate of a kind mentioned in the table that was in force under the provision of the *Navigation Act 1912* mentioned in the table immediately before the repeal of the *Navigation Act 1912* has effect as if it was a certificate issued under the corresponding provision of the Navigation Act until the earlier of:

- (a) the date that the certificate would have expired under the *Navigation Act 1912*; or
- (b) if the certificate is revoked — the date of revocation.

<b>Navigation Act 1912 provision</b>	<b>Kind of certificate</b>	<b>Corresponding provision of Navigation Act</b>
Subsection 194(4)	Certificate of survey	Section 100
Subsection 194(4)	Certificate of equipment	Section 100
Subsections 206D(1) and (3)	Passenger ship safety certificate	Section 100
Subsections 206D(2) and (4)	Passenger ship short voyage safety certificate	Section 100
Section 206E	Cargo ship safety construction certificate	Section 100
Section 206F	Cargo ship safety equipment certificate	Section 100
Section 206G	Cargo ship safety radio certificate	Section 100
Section 206GA	Cargo ship safety certificate	Section 100
Section 206H	Exemption certificate	Section 100
Section 206J	Nuclear passenger ship safety certificate	Section 100
Section 206K	Nuclear cargo ship safety certificate	Section 100
Section 206M	Certificate (foreign ship)	Section 319
Section 222	Load line certificate	Section 100
Section 223	International Load Line Exemption Certificate	Section 100
Section 267B	Ship construction certificate	Section 132
Section 267C	International Oil Pollution Prevention Certificate	Section 132
Section 267Q	Chemical tanker construction certificate	Section 132
Section 267ZG	International Sewage Pollution Prevention Certificate	Section 132
Section 267ZW	Air pollution prevention certificate	Section 132

<b>Navigation Act 1912 provision</b>	<b>Kind of certificate</b>	<b>Corresponding provision of Navigation Act</b>
Section 405F	Tonnage measurement certificate	Section 155

- 37.2 However, a tonnage measurement certificate issued under section 405F of the *Navigation Act 1912* that is a perpetual certificate has continued effect as if it was a certificate issued under section 155 of the Navigation Act unless it is revoked.

### **38 Things done**

- 38.1 For paragraph 339(2)(o) of the Navigation Act, a thing done under a provision of the *Navigation Act 1912*, that is of a kind mentioned in the table that was in force immediately before the repeal of the *Navigation Act 1912*, has effect under the corresponding provision of the Navigation Act or a Marine Order until the earlier of:
- the date that the thing done would have expired under the *Navigation Act 1912*; or
  - if the thing done is revoked — the date of revocation.

<b>Navigation Act 1912 provision</b>	<b>Kind of thing done</b>	<b>Corresponding provision of Navigation Act or Marine Order</b>
Subsection 14(1)	Order about minimum complement required for a ship	Subsection 51(1) of the Navigation Act
Subsection 123(1)	Appointment of Medical Inspector of Seamen	Section 8A of Marine Order 9

- 38.2 For paragraph 339(3)(b) of the Navigation Act, each of the following things done under the *Navigation Act 1912* that was in force immediately before the repeal of the *Navigation Act 1912*, has effect under the Navigation Act unless it is revoked:
- an order under subsection 427(2) about the Uniform Shipping Laws Code;
  - an order under subsection 427(3) about the National Standard for Commercial Vessels.

### **[7] Schedule 1, heading**

*substitute*

## **Schedule 1 Recognised organisations**

(section 7)

### **[8] Further amendments**

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 1	<i>1, issue 2</i>	<i>1 (Administration) 2011</i>
Subsection 11.1	ship	vessel
Subsection 12.1,	section 338 of the	subsections 136.1 and 137.1 of

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
note 2	Criminal Code.	the <i>Criminal Code</i> .
Subsections 18.2, 18.3 and 18.4	Maritime Operations	Ship Safety
Schedule 1, note	bodies	organisations
Schedule 1, note	classification societies	recognised organisations

## Schedule 2 Marine Orders Part 3, issue 6

(section 3)

### [1] Section 1

*substitute*

#### 1 Name of Order

This Order is *Marine Order 3 (Seafarer qualifications) 2004*.

#### 1A Purpose

This Order:

- (a) specifies standards of competence and other conditions to be met by a person performing the duties or functions of a seafarer under the Navigation Act; and
- (b) provides for seafarer certificates; and
- (c) gives effect to the STCW Convention.

#### 1B Power

- 1B.1 Part 2 of Chapter 2 of the Navigation Act generally provides for the regulations to provide for applications for, and dealings with, seafarer certificates.
- 1B.2 Section 28 of the Navigation Act provides for the regulations to provide for seafarer certificates, including giving effect to the STCW Convention.
- 1B.3 Subsection 31(2) provides that a seafarer certificate is subject to conditions prescribed in the regulations.
- 1B.4 Section 314 of the Navigation Act provides that the regulations may prescribe certain matters for certificates.
- 1B.5 Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed or that are necessary or convenient to be prescribed for carrying out or giving effect to the Navigation Act.
- 1B.6 Paragraph 340(1)(h) of the Navigation Act provides for regulations to be made giving effect to the STCW Convention.
- 1B.7 Subsection 342(1) of the Navigation Act provides for the making of Marine Orders for any matter for which provision must or may be made by the regulations.

**[2] Section 2, heading**

*substitute*

**2 Definitions**

In this Order:

**[3] Section 2, definitions of *AMSA* and *General Manager***

*omit*

**[4] Section 2, definition of *endorsement***

*substitute*

***endorsement*** means an endorsement mentioned in sections D and L, other than an STCW Endorsement.

**[5] Section 2, definition of *International Safety Management Code***

*substitute*

***International Safety Management Code*** — see section 2 of *Marine Order 58 (International Safety Management Code) 2002*.

**[6] Section 2, definitions of *Manager, Navigation Act, NSCV, penal provision, STCW Code, STCW Convention* and *USL***

*omit*

**[7] Section 2, definition of *valid*, footnote 3**

*substitute as note to definition*

*Note* *Marine Order 9 (Health — medical fitness) 2010* requires a person to hold a valid Certificate of Medical Fitness to serve at sea.

**[8] Section 2, after definition of *WIG craft***

*insert*

*Note 1* Terms used in this Order have the same meaning that they have in the Navigation Act, including:

- AMSA
- marine incident
- master
- owner
- seafarer
- STCW Convention
- Tonnage Convention.

*Note 2* Some terms used in this Order are defined or explained in *Marine Order 1 (Administration) 2011*, including:

- General Manager, Ship Safety Division
- Manager, Ship Operations and Qualifications
- Navigation Act
- offshore industry mobile unit
- SOLAS
- STCW Code.

**[9] Subsection 3.2**

*omit*



**[10] Sections 5 and 6***substitute***5 Review of decisions**

A decision under section 10 is taken to be a reviewable decision for section 18 of *Marine Order 1 (Administration) 2011*.

*Note* For review of decisions by the Administrative Appeals Tribunal made under the Navigation Act — see section 313 of the Navigation Act.

**6 Kinds of seafarer certificates****6.1 Seafarer certificates that may be applied for**

6.1.1 For section 30(1) of the Navigation Act, a kind of seafarer certificate is a certificate that is:

- (a) a certificate of a particular designation or grade that belongs to the following classes of certificate:
  - (i) certificate of competency;
  - (ii) certificate of proficiency (integrated rating);
  - (iii) certificate of rating; or
- (b) a WIG Officer Certificate; or
- (c) a certificate of proficiency as ship security officer; or
- (d) a certificate of proficiency in survival craft and rescue boats; or
- (e) a certificate of safety training; or
- (f) a certificate of recognition; or
- (g) an endorsement, which may be included in a certificate.

**6.2 Seafarer certificates required to be held**

6.2.1 For section 35(1) of the Navigation Act, a person must hold a particular seafarer certificate for performance of duties or functions mentioned in sections D, E, F, G, H, I, J and L of this Order.

6.2.2 For section 35(1) of the Navigation Act, a person who performing specific duties or functions related to cargo or cargo equipment on tankers must hold:

- (a) a certificate of competency as Master, deck officer or engineer officer; or
- (b) a certificate of proficiency (integrated rating); or
- (c) a certificate of rating as Able Seaman, Deck Rating or Engine Room Rating.

*Note* Section 35(1) of the Navigation Act provides that a person must not perform duties or functions in relation to an Australian regulated vessel if the person does not hold particular seafarer certificate required to perform those duties or functions.

**[11] Subsections 7.3, 7.4 and 7.5***substitute*

7.3 An offence against subsection 7.2 is a strict liability offence.

7.4 A person is liable to a civil penalty if the person contravenes subsection 7.2.

Civil penalty: 50 penalty units.

**[12] Section 8**

*substitute*

**8 Criteria for, and conditions imposed on, the issue of seafarer certificates**

For section 31 of the Navigation Act:

- (a) the criteria for the issue of a seafarer's certificate are those mentioned for the certificate in section C, D, E, F, G, H, I, J, K or L; and
- (b) the conditions that may be imposed on the issue of a seafarer certificate are those mentioned for the certificate in section CA, D, E, F, G, H, I, J, K or L.

**[13] After subsection 9.4**

*insert*

**9.5 Duration of endorsements**

- 9.5.1 An endorsement as a responsible officer on tankers, mentioned in section 48, remains current for 5 years.
- 9.5.2 A type rating endorsement for high speed craft, mentioned in section 49, remains current for:
  - (a) 2 years; or
  - (b) a shorter period, or for a voyage or voyages, mentioned in the endorsement.

**[14] Section 9, footnote 6**

*substitute as note at foot of subsection 9.2.1*

*Note* A lesser period may be appropriate, eg if the applicant intends to work for a limited period on a regulated Australian vessel.

**[15] Before subsection 10.1**

*insert*

- 10.1A If the Manager, Ship Operations and Qualifications is satisfied that an applicant has met the eligibility criteria mentioned in this Order for the revalidation of a seafarer certificate, the Manager, Ship Operations and Qualifications will revalidate that seafarer certificate accordingly.

**[16] After subsection 10.3**

*insert*

- 10.3A An endorsement as a responsible officer on tankers, mentioned in section 49, is eligible to have the endorsement revalidated if the holder:
  - (a) has approved sea service, performing functions appropriate to the endorsement, of at least 3 months in total during the 5 years before the application date; or
  - (b) has satisfactorily completed the appropriate course of training mentioned in subsection 49.2.3 within the 12 months before the application date.
- 10.3B The holder of a type rating endorsement for high speed craft, mentioned in section 50, is eligible to have the endorsement revalidated if the holder:
  - (a) has approved sea service of at least 6 months within the preceding 2 years on high speed craft of the type and on the route to which the endorsement applies; or

- (b) has within the year immediately before the application for revalidation satisfactorily completed an approved training program for high speed craft operation.

**[17] Subsection 11.1.2**

*omit*

- (a) cancelling it; or

**[18] After subsection 11.1.4**

*insert*

11.1.5 For section 33 of the Navigation Act, the criteria for revoking a seafarer certificate are that:

- (a) the holder of a seafarer certificate has demonstrated incompetence or misconduct relating to the safe navigation, management or working of a vessel; or
- (b) the holder of a seafarer certificate is unable from any cause to perform properly the duties appropriate to the certificate; or
- (c) a seafarer certificate was obtained by false representation.

**[19] Subsection 11.3, footnote 8**

*substitute as note at foot of subsection 11.3*

*Note* In making a decision to suspend or impose restrictions on the use of a seafarer certificate under subsection 11.3, the General Manager, Ship Safety Division must take into account the degree of risk involved in allowing the holder of the certificate to continue to serve in various capacities for which the certificate could otherwise be valid.

**[20] Subsection 11.5**

*substitute*

**11.5 Unlawful alteration**

For section 33 of the Navigation Act, the Manager, Ship Operations and Qualifications may revoke a seafarer certificate that has been unlawfully altered by any kind of addition, interpolation or erasure.

**[21] After subsection 11.6.1**

*insert*

11.6.1A An offence against subsection 11.6.1 is a strict liability offence.

11.6.1B A person is liable to a civil penalty if the person contravenes subsection 11.6.1.  
Civil penalty: 50 penalty units.

**[22] Subsection 11.7**

*substitute*

**11.7 Seafarer certificates containing factual errors**

For section 33 of the Navigation Act, the Manager, Ship Operations and Qualifications may revoke a seafarer certificate that contains factual errors.

**[23] Subsection 11.8.1**

*substitute*

- 11.8.1 The Manager, Ship Operations and Qualifications may issue a replacement certificate if:
- (a) satisfied that a certificate has been lost, stolen, damaged or destroyed; or
  - (b) it has been revoked under subsection 11.5 or 11.7.

**[24] After subsection 11.8.2**

*insert*

- 11.8.3 An offence against subsection 11.8.2 is a strict liability offence.
- 11.8.4 A person is liable to a civil penalty if the person contravenes subsection 11.8.2.  
Civil penalty: 50 penalty units.

**[25] After subsection 11.8**

*insert*

**11.9 Return of revoked seafarer certificates**

- 11.9.1 If a seafarer certificate has been revoked under subsection 11.5 or 11.7, the holder of the certificate must arrange for it to be delivered to an AMSA office within 21 days after being notified that the certificate has been revoked.  
Penalty: 50 penalty units.
- 11.9.1 An offence against subsection 11.9.1 is a strict liability offence.
- 11.9.2 A person is liable to a civil penalty if the person contravenes subsection 11.9.1.  
Civil penalty: 50 penalty units.

**[26] After subsection 16.6**

*insert*

**16A Requirements for approved courses and oral examinations**

- 16A.1 If a person must complete an approved course before being issued a seafarer certificate, the course must have been completed:
- (a) if the person provides proof of continuity of sea service since completion of the course that is at least equivalent to the requirements for revalidation mentioned in subparagraph 10.1(a)(i) — within 10 years before the certificate is issued; or
  - (b) in any other case — within 5 years before the certificate is issued.
- 16A.2 If a person must pass an oral examination before being issued a seafarer certificate, the examination must be passed, unless the Manager, Ship Operations and Qualifications determines otherwise:
- (a) when all other eligibility criteria have been met; and
  - (b) within the 12 months before the certificate is issued.
- 16A.3 If the examiner considers that a person is unable to meet the standard required to pass the oral examination because the person lacks sufficient practical knowledge, the person cannot be re-examined for a period, determined by the examiner as reasonably required for the person to gain the practical knowledge, of up to 6 months.

**[27] Before section 17**

*insert*

**Section CA Conditions for particular kinds of seafarer certificates****[28] Subsections 17.1, 17.2 and 17.3**

*substitute*

The holder of a seafarer certificate that is a certificate of rating as Able Seaman, Deck Rating or Engine Room Rating must have evidence of satisfactorily completing a tanker familiarisation course that complies with paragraphs 1 to 7 of section A-V/1 of the STCW Code if undertaking specific duties or functions related to cargo or cargo equipment on tankers.

**[29] Subsection 18.1.1**

*substitute*

- 18.1.1 A seafarer certificate is subject to the condition that the holder of the certificate must have evidence of satisfactorily completing the training mentioned in subsections 18.1.2 to 18.1.6 if undertaking duties to assist passengers in emergency situations on board a passenger vessel (other than a ro-ro passenger vessel).

**[30] Subsection 18.1.4, footnote 9**

*substitute as note at foot of subsection 18.1.4*

*Note* For this Order, seafarers who have not completed the appropriate safety training are taken to be passengers.

**[31] Subsection 18.2.1**

*substitute*

- 18.2.1 A seafarer certificate is subject to the condition that the holder of the certificate must have evidence of satisfactorily completing the training mentioned in subsections 18.2.2 to 18.2.6 if undertaking duties to assist passengers in emergency situations on board a ro-ro passenger vessel.

**[32] Sections 19 to 22**

*substitute*

**19 GMDSS General Operators Certificate**

If a person is required to hold a valid GMDSS General Operators Certificate for the issue or revalidation of a seafarer certificate mentioned in Section D, it is a condition that the GMDSS General Operators Certificate be valid for the term of the seafarer certificate.

**[33] Section 23**

*substitute*

**23 Watchkeeping**

- 23.1 A person who takes charge of a navigational watch must hold a valid certificate of competency or certificate or recognition permitting the watchkeeping duties in accordance with section 24.
- 23.2 A person who holds a seafarer certificate in order to perform watchkeeping duties in accordance with subsection 24.1 must also hold a current certificate of medical fitness for the deck department.

**[34] Subsection 24.1**

*substitute text before Table 1*

**24.1 Grades of certificate and duties**

Subject to any specific requirement of this Order, a person who performs the duties mentioned in an item in Table 1 must hold a certificate of competency or an equivalent certificate of recognition of a grade mentioned in Table 1 for the item.

*Note* Some duties, or service on some vessels, require additional training or endorsements.

**[35] Subsections 26.7**

*substitute*

- 26.7 Service performed on offshore industry mobile units will not be accepted as qualifying sea service.

**[36] Sections 28 and 29**

*omit*

**[37] Section 30**

*substitute*

**30 Watchkeeping**

- 30.1 A person who takes charge of an engine room watch must hold a valid certificate of competency or an equivalent certificate of recognition permitting the watchkeeping duties in accordance with section 31.
- 30.2 A person who holds a seafarer certificate in order to perform engine room watch duty in accordance with section 31 must also hold a current certificate of medical fitness for the engine department.

**[38] Subsection 31.3**

*omit*

**[39] Subsection 32.4, footnote 14**

*substitute as note at foot of subsection 32.4*

*Note* Generally, the certificates mentioned in subsection 32.4 are issued under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

**[40] Section 36**

*substitute*

**36 Watchkeeping**

- 36.1 A person who performs duties as part of a navigational watch must hold:
- (a) a valid certificate of proficiency (integrated rating); or
  - (b) a valid certificate of rating as Able Seaman or Deck Rating; or
  - (c) a valid certificate of safety training, together with documentary evidence to the satisfaction of the Master that the person is competent to form part of a navigational watch; or
  - (d) a valid certificate of recognition equivalent to a certificate mentioned in paragraph (a), (b) or (c).
- 36.2 A person who performs duties as part of an engine room watch must hold:
- (a) a valid certificate of proficiency (integrated rating); or
  - (b) a valid certificate of rating as Engine Room Rating; or
  - (c) a valid certificate of safety training, together with documentary evidence to the satisfaction of the Chief Engineer that the person is competent to form part of an engine room watch; or
  - (d) a valid certificate of recognition equivalent to a certificate mentioned in paragraph (a), (b) or (c).
- 36.3 A person who holds a seafarer certificate in order to perform watchkeeping duties in accordance with subsections 36.1 and 36.2 must also hold a current certificate of medical fitness applicable to the duties for which the seafarer certificate is to be used.

**[41] Subsection 37.1**

*substitute text before Table*

**37.1 Grades of certificate and duties**

Subject to any specific requirement of this Order, a person who performs the duties mentioned in column 2 of Table 5 must hold a seafarer certificate or an equivalent certificate of recognition mentioned in column 1 of Table 5.

*Note* Some duties, or service on some ships, require additional training and/or endorsements.

**[42] Subsection 37.1, Table 5, definition of *designated ship*, footnote 17**

*substitute as note at foot of subsection 37.1*

*Note* The Manager, Ship Operations and Qualifications will not consider the suitability of a vessel unless the vessel is recommended for that purpose by the owner and by a seafarers union.

**[43] Before section 43**

*insert*

**43A Requirement for certificate of proficiency as ship security officer**

A person who performs the duties or functions of a ship security officer must hold a certificate of proficiency as a ship security officer.

**[44] Section 44**

*omit*

**[45] After Section H**

*insert*

**Section I Specific requirements for the issue of certificate of proficiency in survival craft and rescue boats**

**45.1 Requirement for certificate of proficiency in survival craft and rescue boats**

A person who takes charge of a survival craft or rescue boat, other than a fast rescue boat, must hold:

- (a) a certificate of competency, certificate of recognition, certificate of proficiency (integrated rating) or certificate of rating; or
- (b) a certificate of proficiency in survival craft and rescue boats other than fast rescue boats issued in accordance with subsection 45.2.

**45.2 Eligibility criteria for certificate of proficiency in survival craft and rescue boats**

A person is eligible to be issued with a certificate of proficiency in survival craft and rescue boats other than fast rescue boats if the person:

- (a) is at least 18; and
- (b) has completed at least 6 months sea service on vessels carrying SOLAS survival equipment; and
- (c) has satisfactorily completed an approved program of training that complies with paragraphs 1 to 4 of section A-VI/2 of the STCW Code.

**45.3 Requirement for certificate of proficiency in fast rescue boats**

A person who takes charge of a fast rescue boat must hold a certificate of proficiency in fast rescue boats issued in accordance with subsection 45.4.

**45.4 Eligibility criteria for certificate of proficiency in fast rescue boats**

A person is eligible to be issued with a certificate of proficiency in fast rescue boats if that person:

- (a) holds a certificate of proficiency in survival craft and rescue boats other than fast rescue boats; and
- (b) has satisfactorily completed an approved program of training that complies with paragraphs 5 to 8 of section A-VI/2 of the STCW Code.

**Section J Certificate of safety training**

**46.1 Requirement for certificate of safety training**

A person who does not hold a certificate of competency, a certificate of recognition, a certificate of proficiency (integrated rating) or a certificate of rating and is engaged in a capacity on board a vessel as part of the vessel's complement with designated safety or pollution prevention duties must hold a certificate of safety training.

**46.2 Eligibility criteria for certificate of safety training**

**46.2.1 A person is eligible to be issued with a certificate of safety training if the person:**

- (a) is at least 16; and



- (b) has satisfactorily completed an approved training course that complies with the training and assessment standards specified in paragraph 2 of section A-VI/1 of the STCW Code.
- 46.2.2 If the Manager, Ship Operations and Qualifications is satisfied that circumstances are such that it would be unreasonable or impracticable to require a person to comply fully with paragraph 46.2.1(b), the person may be issued with a certificate of safety training for voyages, and subject to conditions, that the Manager, Ship Operations and Qualification determines.

## **Section K Certificates of recognition**

### **47 Recognition of certificates issued by a foreign country**

#### **47.1 Certificate of recognition – eligibility criteria**

A person is eligible to be issued with a certificate of recognition if the person:

- (a) holds a current certificate of medical fitness; and
- (b) holds a certificate issued by a marine administration in a country other than Australia that:
  - (i) has been approved as having training and certification standards in accordance with the STCW Convention; and
  - (ii) for a certificate for deck or engineer officer duties — has an agreement with Australia about the recognition of the other country's certificates; and
- (c) produces evidence to the satisfaction of the Manager, Ship Operations and Qualification that:
  - (i) the certificate mentioned in paragraph (b) was issued in accordance with the STCW Convention and is equivalent in grade to the grade of certificate of recognition applied for; and
  - (ii) the person has completed practical training and short courses equivalent to that required for the issue of an equivalent certificate of competency; and
  - (iii) the person has completed qualifying sea service equivalent to that required for the issue of an equivalent certificate of competency; and
- (d) for a certificate for deck or engineer officer duties — has passed an oral examination appropriate for the grade of certificate conducted by an examiner, including knowledge of Australian maritime legislation; and
- (e) for a certificate for deck officer duties — holds a valid GMDSS General Operators Certificate; and
- (f) is an Australian or New Zealand citizen, a permanent resident of Australia or produces evidence that he or she is to be employed in a regulated Australian vessel.

*Note* An application for a certificate of recognition will be accepted as a skills assessment from a prospective migrant before arrival in Australia if evidence of approval for migration is produced. However, a certificate will not be issued until the applicant takes up residence in Australia.

#### 47.2 Restricted certificate of recognition – eligibility criteria

A person is eligible to be issued with a certificate of recognition restricted to duties, and for a period, determined by the Manager, Ship Operations and Qualifications if:

- (a) the person is required to perform duties on a regulated Australian vessel in particular circumstances or for a particular time; and
- (b) the person is not eligible under subsection 47.1 for the issue of a certificate of recognition; and
- (c) the Manager, Ship Operations and Qualification is satisfied that the person holds qualifications that are adequate for the performance of those duties in the particular circumstances or for the particular time.

### 48 Recognition of national law certificates

48.1 If satisfied that the holder of a valid certificate issued under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* meets the requirements of this Order for the grade of certificate, the Manager, Ship Operations and Qualifications is to certify that by issuing an appropriate document to accompany the certificate.

48.2 The certificate issued is to be recognised as a certificate of competency corresponding to the qualification mentioned in column 2 of an item in Table 3 if it:

- (a) was issued, renewed, endorsed or recognised to permit the holder to perform duties on a vessel of a size and in an operational area identified with an asterisk in column 1 of the item; and
- (b) is certified in accordance with subsection 48.1.

48.3 If the certificate is subject to conditions or limitations on its use, its recognition under subsection 48.2 is subject to the same conditions or limitations.

## Section L Endorsements

### 49 Tanker endorsement

#### 49.1 Requirement for tanker endorsement

49.1.1 A person who performs duties and functions as a responsible officer on an oil tanker, a chemical tanker or a liquefied gas tanker must hold a certificate of competency or certificate of recognition bearing an endorsement.

49.1.2 In subsection 49.1:

**responsible officer** means Master, Chief Mate, Chief Engineer, First Engineer or any other seafarer on operational duty in the cargo control room or any other operational control position and with the immediate responsibility for loading, discharging, care in transit or other handling of cargo.

#### 49.2 Eligibility criteria for tanker endorsement

49.2.1 A person is eligible to be issued with an endorsement mentioned in subsection 49.1 if the person has:

- (a) shipboard service requirements mentioned in subsection 49.2.2; and
- (b) satisfactorily completed the approved courses of training mentioned in subsection 49.2.3.

- 49.2.2 For subparagraph 49.2.1(a), the shipboard service requirements are:
- (a) 6 months shipboard service in the previous 5 years in connection with cargo handling duties on an oil tanker, a chemical tanker or a liquefied gas tanker, as appropriate for the kind of endorsement, or at least 3 months of that service including experience of 6 loads and 6 discharges; or
  - (b) approved shipboard training in cargo handling duties on an oil tanker, chemical tanker or liquefied gas tanker, as appropriate for the kind of endorsement, in the previous 5 years; or
  - (c) other service that the Manager, Ship Operations and Qualifications determines to be equivalent to that mentioned in paragraph (a) or (b).
- 49.2.3 For subparagraph 49.2.1(b), the courses of training are:
- (a) for an oil tanker — a course of training that meets the requirements of paragraphs 9 to 14 of section A-V/1 of the STCW Code; and
  - (b) for a chemical tanker — a course of training that meets the requirements of paragraphs 16 to 21 of section A-V/1 of the STCW Code; and
  - (c) for a liquefied gas tanker — a course of training that meets the requirements of paragraphs 23 to 34 of section A-V/1 of the STCW Code.
- 49.2.4 An endorsement is subject to the condition that the person must be capable of carrying out the duties as a responsible officer without supervision.

## **50 High speed craft endorsement**

### **50.1 Requirement for type rating endorsement for high speed craft**

A person who performs duties and functions as Master, Chief Mate, or Watchkeeper (Deck) on a high speed craft must hold:

- (a) a certificate of competency or certificate of recognition for the deck officer duties; and
- (b) a type rating endorsement appropriate to that type of high speed craft on that route.

### **50.2 Eligibility criteria for type rating endorsement for high speed craft**

A type rating endorsement may be issued to a person for a high speed craft for a route if the person:

- (a) holds a certificate of competency or certificate of recognition for the deck officer duties; and
- (a) has satisfactorily completed approved high speed craft training, relevant to the type of craft and the route, that meets the requirements of paragraphs 18.3.3.1 to 18.3.3.12 of the International Code of Safety for High Speed Craft, adopted by IMO Resolution MSC.97(73); and
- (b) has practical experience and familiarisation training to the satisfaction of the Manager, Ship Operations and Qualifications.

## **51 Sailing vessel endorsement**

### **51.1 Requirement for sailing vessel endorsement**

- 51.1.1 A person who performs the functions or duties as a master on a square rig sailing vessel must hold a certificate of competency or certificate of recognition for deck officer duties with an endorsement for square rig sailing vessels.
- 51.1.2 A person who performs the functions or duties as a master on a fore and aft rig sailing vessel must hold a certificate of competency or certificate of recognition

for deck officer duties with an endorsement for square rig, or for fore and aft rig, sailing vessels.

## 51.2 Eligibility criteria for sailing vessel endorsement

- 51.2.1 A certificate may be endorsed for service as a master on a sailing vessel if the holder:
- (a) has completed an approved course, including assessment, in knowledge of sailing vessels; and
  - (b) for square rig vessels — holds a Nautical Institute Square Rig Sailing Ship Certificate; and
  - (c) for fore and aft rig vessels only — holds Yachting Australia Ocean Going Certificate, endorsed ‘Offshore Instructor’; and
  - (d) has served as a deck officer, on a sailing vessel of the type for which the endorsement is required, for at least 12 months, or for at least 6 months and produces testimonials from the master of the vessel confirming that the holder was assessed on board vessel and found competent to serve as master.
- 51.2.2 The Manager, Ship Operations and Qualifications may accept alternative evidence of knowledge and experience of sailing vessels to meet the requirements of subsection 51.2.1.

### [46] Other amendments

<i>provision</i>	<i>omit each occurrence of</i>	<i>insert</i>
Section 2, definition of <b><i>approved</i></b>	Manager	Manager, Ship Operations and Qualifications
Section 2, definition of <b><i>current</i></b>	cancelled	revoked
Section 2, definition of <b><i>examiner</i></b>	Manager	Manager, Ship Operations and Qualifications
Section 2, definition of <b><i>examiner</i></b>	Part	Order
Section 2, definition of <b><i>GMDSS General Operators Certificate</i></b>	Marine Orders, Part 6 (Marine Qualifications — Radio)	<i>Marine Order 6 (Marine qualifications — radio) 2000</i>
Section 2, definition of <b><i>GT</i></b>	Measurement Convention as defined in the Navigation Act	Tonnage Convention
Section 2, definition of <b><i>high speed craft</i></b>	ship	vessel
Section 2, definition of <b><i>high speed craft</i></b>	Marine Orders, Part 49 (High Speed Craft)	<i>Marine Order 49 (High speed craft) 2009</i>
Section 2, definition of <b><i>kind</i></b>	ship	vessel
Section 2, definition of <b><i>ship security officer</i></b>	the ship,	the vessel,

<i>provision</i>	<i>omit each occurrence of</i>	<i>insert</i>
Section 2, definition of <b><i>ship security officer</i></b>	security of the ship	security of the vessel
Section 2, definition of <b><i>STCW Endorsement</i></b>	by a State or Territory	under the <i>Marine Safety (Domestic Commercial Vessel) National Law Act 2012</i>
Subsection 3.1	3.1 In this Part	In this Order
Section 4	This Part	This Order
Paragraph 4(a)	master, officer or seaman on a ship subject to Part II of the Navigation Act	seafarer on a regulated Australian vessel
Paragraph 4(b)	certificate issued under this Order	seafarer certificate
Section 7, heading and subsections 7.1 and 7.2	issue, revalidation or endorsement of a certificate	issue or revalidation of a seafarer certificate
Section 7	Manager	Manager, Ship Operations and Qualifications
Section 7	Part	Order
Subsection 7.2	<u>This is a penal provision</u>	Penalty:50 penalty units.
Section 9, heading	certificates	seafarer certificates
Subsection 9.1	10.4	subsection 10.4
Subsection 9.1	10.1	subsection 10.1
Subsection 9.2.1	Manager	Manager, Ship Operations and Qualifications
Subsections 9.2.1 and 9.2.2	21.2	subsection 47.1
Sections 10 and 11	Manager	Manager, Ship Operations and Qualifications
subsection 10.1	in 10.2	mentioned in subsection 10.2
Subsection 10.4	a person	the holder of a seafarer certificate
Subsection 10.4	person's certificate	certificate
Subsection 10.4	the person	the holder
Subsection 10.4	10.1	subsection 10.1
Section 11, heading	certificates	seafarer certificates
Section 11	ship	vessel
Subsection 11.1	certificate	seafarer certificate
Subsection 11.1.3	11.1.2(b)	paragraph 11.1.2(b)

<i>provision</i>	<i>omit each occurrence of</i>	<i>insert</i>
Subsection 11.1.4	11.1.2(c)	paragraph 11.1.2(c)
Subsection 11.2	The Manager must not cancel, suspend or impose restrictions on the use of a certificate under	A seafarer's certificate will not be revoked, suspended or have restrictions imposed on its use under subsection
Paragraph 11.2(a)	11.1.1(a)	paragraphs 11.1.1(a)
Subsection 11.3, heading	Serious accidents or incidents	Marine incidents
Subsection 11.3	serious accident or incident	marine incident
Subsection 11.3	the accident or incident	the marine incident
Subsection 11.3	General Manager	General Manager, Ship Safety Division
Subsection 11.3	11.2	subsection 11.2
Subsection 11.3	certificate	seafarer certificate
Subsection 11.4.1	cancel	revoke
Subsection 11.4.1	cancellation, revocation	revocation
Paragraph 11.4.1(b)	provision 5.1	section 5
Subsection 11.4.2	cancellation	revocation
Subsection 11.6, heading	Cancelled or suspended certificates	Suspended seafarer certificates
Subsection 11.6.1	certificate that has been cancelled or	seafarer certificate that has been
Subsection 11.6.1	cancellation or suspension	suspension
Subsection 11.6.3	has been cancelled, is	is
Subsections 11.6.1 and 11.8.2	<u>This is a penal provision</u>	Penalty:50 penalty units.
Subsection 11.8.2	days for cancellation	days
Section C, heading	requirements for certificates	eligibility criteria for seafarer certificates and STCW Endorsements
Section 12	certificate	seafarer certificate
Section 12	Part	Order
Subsection 13.1	Manager,	Manager, Ship Operations and Qualifications;
Subsections 13.1 and 13.2	Marine Orders, Part 9 (Health—Medical Fitness)	<i>Marine Order 9 (Health — medical fitness) 2010</i>
Section 14	ship	a vessel
Subsections 14.1 and 14.2	is only qualified to	may

<i>provision</i>	<i>omit each occurrence of</i>	<i>insert</i>
Section 15	Manager	Manager, Ship Operations and Qualifications
Section 15	Part	Order
Section 15	hold a	be issued a seafarer
Subsection 16.1	qualified	eligible
Subsection 16.1	sections 16.2	subsections 16.2
Subsection 16.2	ship	vessel
Subsection 16.5	Manager	Manager, Ship Operations and Qualifications
Subsection 16.6	ships	vessels
Section 18	ships	vessels
Section 18.1.2	Personnel	Seafarers
Section 18.1.3	other personnel	seafarers
Section 18.1.4	Personnel	Seafarers
Section 18.1.5	other persons	seafarers
Section 18.1.6	person	seafarer
Subsections 18.2.2 and 18.2.3	other personnel	seafarers
subsection 18.2.3	and responsibilities	or functions
subsection 18.2.4	Personnel	Seafarers
subsections 18.2.5 and 28.2.6	person	seafarer
Subsection 18.3	18.1	subsection 18.1
Subsection 24.1, Table 1	ships	vessels
Subsection 24.1, Table 1	Duties permitted	Duties
Subsection 24.2	Part	Order
Subsection 24.2.1	or a	or an equivalent
Subsection 24.2.3	Provision	Subsection
Section 25	Manager	Manager, Ship Operations and Qualifications
Section 25, heading	Eligibility	Eligibility criteria
Subsection 25.1.1	25.1.2	subsection 25.1.2
Paragraph 25.1.1(b)	on ships	on vessels
Subparagraph 25.1.1(b)(i)	trading ships	trading vessels

<i>provision</i>	<i>omit each occurrence of</i>	<i>insert</i>
Subparagraph 25.1.1(b)(ii)	ships	vessels
Subparagraph 25.1.1(b)(iii)	(i)	subparagraph (i)
Subparagraph 25.1.1(d)(i)	issued in accordance with 19.2	mentioned in section 45
Subsection 25.1.2	25.1.1	subsection 25.1.1
Subsection 25.1.2	ships	vessels
Paragraph 25.2(b)	on ships	on vessels
Subparagraph 25.2(b)(i)	trading ships	trading vessels
Subparagraph 25.2(b)(ii)	ships	vessels
Subparagraphs 25.2(d)(i) and 25.3(e)(i)	issued in accordance with 19.2	mentioned in section 45
Paragraph 25.3(c)	on ships	on vessels
Subparagraphs 25.3(c)(ii) and (iv)	trading ships	trading vessels
Subparagraph 25.3(c)(v)	on ships	on vessels
Subparagraph 25.3(c)(v)	trading ships	trading vessels
Subsection 25.4.1	25.4.2	subsection 25.4.2
Paragraph 25.4.1(b)	trading ships	trading vessels
Subparagraph 25.4.1(b)(i)	(a)	paragraph (a)
Subparagraph 25.4.1(d)(i)	issued in accordance with 19.2	mentioned in section 45
Subsection 25.4.2	25.4.1	subsection 25.4.1
Subsection 25.4.2	ships	vessels
Subparagraph 25.4.2(a)(iii)	(i)	subparagraphs (i)
Paragraph 25.5(b)	trading ships	trading vessels
Subparagraph 25.5(b)(i)	(a)	paragraph (a)
Subparagraph 25.5(b)(ii)	ships	vessels
Subparagraphs 25.5(d)(i), 25.6.1(e)(i)	issued in accordance with	mentioned in section 45



<i>provision</i>	<i>omit each occurrence of</i>	<i>insert</i>
and 25.6.2(d)(i)	19.2	
Subsections 25.6.1 and 2	on ships	on vessels
Subparagraph 25.6.1(c)	trading ships	trading vessels
Subsection 25.6.2	trading ships	trading vessels
Subsection 25.7	on ships	on vessels
Paragraph 25.7(c)	(b)	paragraph (b)
Paragraph 25.7(c)(ii)	trading ship	trading vessel
Subparagraph 25.7(e)(i)	issued in accordance with 19.2	mentioned in section 45
Subsection 26.1	ship	vessel
Subsection 26.4	trading ship	trading vessel
Subsection 26.5.1	supply ships	supply vessels
Subsections 26.5.1 and 26.5.2	trading ships	trading vessels
Subsection 26.5.2	Australian Government ships	government vessels
Subsection 26.6	trading ships	trading vessels
Subsection 26.6	fishing vessels	vessels
Section 27	ship	vessel
Section 31, heading	certificates	certificates and duties
Subsection 31.1.3, Table 3, definitions of <i>ACMW</i> , <i>o/s</i> and <i>i/s</i>	part	Order
Subsection 31.1.3, Table 3, definitions	* refer to Provision 31.3	* refer to section 48
Subsection 31.2	Manager	Manager, Ship Operations and Qualifications
Subsection 31.4	Part	Order
Subsection 32.1	ships	vessels
Subsections 32.1 and 32.2	Manager	Manager, Ship Operations and Qualifications
Subsection 32.2	ships	vessels
Paragraph 32.3(b)	33	section 33
Subsection 32.3	ships	vessels
Subsection 32.4	Manager	Manager, Ship Operations and Qualifications
Paragraph 33.2(c),	Manager	Manager, Ship Operations and

<i>provision</i>	<i>omit each occurrence of</i>	<i>insert</i>
footnote		Qualifications
Paragraph 34.2(b)	(c)	paragraph (c)
Paragraph 34.2(b)	off-shore	offshore
Paragraph 34.2(c)	(b)	paragraph (b)
Subsection 34.4	ship	vessel
Subsection 34.5	34.2	subsections 34.2
Subsection 34.5	off-shore	offshore
Subparagraph 34.5(b)(iii)	(i)	subparagraph (i)
Section 37, heading	certificates	certificates and duties
Subsection 37.1, Table 5	Highest duties permitted	Duties
Subsection 37.1, Table 5	designated ship	designated vessel
Subsection 37.1, Table 5	board ship	board a vessel
Subsection 37.1, Table 5, note	any ship	any vessel
Subsection 37.2	Part	Order
Subsection 38.1	39.1	subsection 39.1
Paragraph 38.2.1(a)	38.2.2	subsection 38.2.2
Paragraph 38.2.1(a)	39.2	subsection 39.2
Paragraph 38.2.1(c)	ship	vessel
Subsection 38.2.2	Manager	Manager, Ship Operations and Qualifications
Paragraph 38.3(a)	Manager	Manager, Ship Operations and Qualifications
Paragraph 38.3(a)	Part	Order
Subparagraph 38.4(b)(i)	39.3	subsection 39.3
Paragraph 38.5(b)	39.4	subsection 39.4
Subsection 39.1	39.2	subsection 39.2
Subparagraph 39.1(b)(ii)	ships	vessels
Paragraph 39.1(c)	Ship	Vessel
Paragraph 39.2(b)	ship	vessel
Paragraph 39.2(b)	Manager	Manager, Ship Operations and Qualifications

<i>provision</i>	<i>omit each occurrence of</i>	<i>insert</i>
Paragraph 39.2(b)	ships	vessels
Paragraph 39.3(b)	ship	vessel
Subparagraph 39.4(a)(iv)	and	and
Subsection 39.5	ship	vessel
Subsection 40.2	Part	Order
Subsection 41	The officers in	An officer who takes
Section 41	WIG Officer Certificate issued under this Part	seafarer certificate that is a WIG Officer Certificate
Sections 42 and 43, heading	Eligibility	Eligibility criteria
Subparagraph 43(a)(ii)	ship	vessel
Subparagraph 43(a)(ii)	Manager	Manager, Ship Operations and Qualifications

#### [47] Further amendments — definitions

Each definition in section 2 (other than the definition of *International Safety Management Code*) is amended by:

- (a) for definitions other than the definition of *WIG craft* — omitting the concluding semi-colon and inserting a full stop; and
- (b) formatting the defined term in bold italic.

#### [48] Further amendments — footnotes

<i>footnote</i>	<i>instruction</i>
4	Re-locate as a note at the foot of subsection 6.1.1
7	Re-locate as a note at the foot of paragraph 10.1(d)
12	Omit
13	Re-locate as a note at the foot of subsection 31.1.1
15	Re-locate as a note at the foot of paragraph 33.2(c)
18	Re-locate as a note at the foot of subsection 38.2.2

*Note* Footnotes not mentioned in this instrument are omitted as a consequence of the text to which they relate being omitted.

## Schedule 3 Marine Orders Part 6, issue 5

(section 3)

### [1] Section 1

*substitute*

#### 1 Name of Order

This Order is *Marine Order 6 (Marine radio qualifications) 2000*.

#### 2 Purpose

This Order:

- (a) gives effect to Regulation 16 of Chapter IV of SOLAS which provides that every ship must carry personnel qualified for distress and safety radio communication to the satisfaction of the Administration; and
- (b) gives effect to Regulation IV/2 of Chapter IV of the STCW Convention which requires that every person in charge of or performing radio duties on a ship that is required to participate in the GMDSS must hold an appropriate certificate related to the GMDSS; and
- (c) provides for certification requirements for persons operating radio installations, radio navigational aids and communication equipment in a vessel.

#### 3 Power

- 3.1 Sections 28 to 33 and 40 of the Navigation Act provide for the making of regulations for seafarer certificates.
- 3.2 Subsection 28(2) and paragraph 340(1)(h) of the Navigation Act provide that regulations may give effect to the STCW Convention.
- 3.3 Section 314 provides that the regulations may prescribe certain matters for certificates.
- 3.4 Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act.
- 3.5 Paragraph 340(1)(a) of the Navigation Act provides that the regulations may give effect to SOLAS.
- 3.6 Subsection 342(1) of the Navigation Act provides for the making of Marine Orders for any matter for which provision must or may be made by the regulations.

### [2] Section 2, heading

*substitute*

#### 4 Definitions

In this Order:

### [3] Section 2, definitions of *approved* and *AMSA*

*substitute*

*appropriate certificate* means a certificate that:

- (a) is issued in a country other than Australia; and

- (b) permits the operation of radio installations on a ship; and  
 (c) the Manager is satisfied is equivalent to a GMDSS certificate.

**approved** means approved in writing by the Manager, Ship Operations and Qualifications.

**[4] Section 2, definitions of *Certificate of Recognition, General Manager, GMDSS certificate and GMDSS ship***

*substitute*

**certificate of recognition** means a certificate issued under the Act and mentioned in section 9.

**fully fitted**, for GMDSS equipment, means that the equipment satisfies the functional requirements of:

- (a) for a vessel to which SOLAS applies — regulation 4 of Chapter IV of SOLAS; or  
 (b) for a vessel to which SOLAS does not apply — subsection 7.2 of *Marine Order 27 (Radio equipment) 2009*.

**GMDSS certificate** means a certificate issued under the Act and mentioned in section 8.

**[5] Section 2, definitions of *Manager, the Radio Regulations, the STCW Code, the STCW Convention, surveyor and valid***

*substitute*

**Radio Regulations** has the same meaning as in Regulation 2.11 of Chapter IV of SOLAS.

*Note* The text of the Radio Regulations is available at the International Telecommunication Union website: <http://www.itu.int>.

**valid**, for a certificate, means a certificate that:

- (a) is current; and  
 (b) is not revoked or suspended; and  
 (c) bears the signature of the holder.

*Note 1* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- Manager, Ship Operations and Qualifications
- Navigation Act
- SOLAS
- STCW Code.

*Note 2* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- regulated Australian vessel
- seafarer certificate
- STCW Convention.

**[6] Sections 3 to 6**

*substitute*

**5 Application**

This Order applies to a person who:

- (a) operates or intends to operate the radio installation of a regulated Australian vessel; or
- (b) holds a GMDSS certificate.

**6 Exemptions**

- 6.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for an exemption from a requirement of this Order.
- 6.2 The decision maker for the application is the Manager, Ship Operations and Qualifications.
- 6.3 The Manager, Ship Operations and Qualifications may give an exemption only if he or she is satisfied that giving the exemption would not contravene SOLAS or SCTW.

*Note* *Marine Order 1 (Administration) 2011* deals with the following matters about exemptions and equivalents:

- making an application
- seeking further information about an application
- the time allowed for consideration of an application
- imposing conditions on approval of an application
- notification of a decision on an application
- review of decisions.

**[7] Subsection 7.1**

*omit*

issued in a country other than Australia

**[8] Subsection 7.2**

*substitute*

- 7.2 For subsection 30(1) of the Navigation Act, a GMDSS certificate and a certificate of recognition are seafarer certificates.

*Note* It is an offence under sections 35 and 36 of the Navigation Act for a person to perform, or for the master to allow another person to perform, duties or functions without a seafarer certificate if the regulations require a particular seafarer certificate for the performance of those duties or functions.

**[9] Sections 8 and 9**

*substitute*

**8 GMDSS certificates — criteria for issue**

- 8.1. For paragraph 31(1)(b) of the Navigation Act, the criteria for the issue of a GMDSS certificate are that:
  - (a) the applicant is at least 18 years; and

- (b) the Manager, Ship Operations and Qualifications is satisfied that the applicant:
- (i) has, in the 12 months before the application, satisfactorily completed an approved course that meets the standard of competence mentioned in section A-IV/2 of the STCW Code; or
  - (ii) was issued with a certificate equivalent to a GMDSS certificate by the Department of Transport and Communications, the Spectrum Management Agency or the Australian Communications Authority and meets the requirements mentioned in section 17 for revalidation of a GMDSS certificate or a certificate of recognition.
- 8.2 However, the Manager, Ship Operations and Qualifications may refuse to issue a GMDSS certificate to a person who has previously held a GMDSS certificate that was varied, suspended or revoked.

## **9 Certificates of recognition — criteria for issue**

- 9.1 For paragraph 31(1)(b) of the Navigation Act, the criteria for the issue of a certificate of recognition are that:
- (a) the applicant is at least 18 years; and
  - (b) the applicant holds an appropriate certificate ; and
  - (c) Australia has an agreement in place for mutual recognition of GMDSS certificates with the country that issued the appropriate certificate; or
  - (d) if Australia has no agreement of the kind mentioned in paragraph (c) — the applicant has undergone a formal assessment or completed additional training approved by the Manager, Ship Operations and Qualifications.
- 9.2 However, the Manager, Ship Operations and Qualifications may refuse to issue a certificate of recognition to a person whose appropriate certificate has been varied, suspended or revoked.

## **10 Certificates — application**

For subsection 30(2) of the Navigation Act, an application for a GMDSS certificate or a certificate of recognition must:

- (a) be in writing; and
- (b) mention the seafarer certificate applied for; and
- (c) include details of how the applicant satisfies the criteria for issue of the certificate.

*Note* If a form is approved for the application, the approved form must be used and is available on the AMSA website at <http://www.amsa.gov.au> — see *Marine Order 1 (Administration) 2011*.

## **11 Certificates — criteria for variation**

- 11.1 For section 32 of the Navigation Act, the criteria for variation of a GMDSS certificate or a certificate of recognition are that the holder:
- (a) applies in writing to the Manager, Ship Operations and Qualifications, stating the nature of the variation sought; and
  - (b) is complying with the conditions of the certificate; and
  - (c) undertakes any additional training approved by the Manager, Ship Operations and Qualifications.
- 11.2 The Manager, Ship Operations and Qualifications may also vary a GMDSS certificate or a certificate of recognition without an application, by imposing

restrictions on the use of the certificate, if any of the grounds mentioned in section 12 is established.

## **12 Certificates — criteria for revocation**

For section 33 of the Navigation Act, the criteria for revocation of a GMDSS certificate or a certificate of recognition are that the holder:

- (a) has provided false or misleading information in the application for the certificate; or
- (b) has contravened, or is contravening, a condition of the certificate; or
- (c) has demonstrated incompetence or misconduct in navigation, management or working of a vessel; or
- (d) cannot properly perform the duties the person is permitted to perform under the certificate.

## **13 Suspension of certificates**

13.1 For paragraph 314(5)(b) of the Navigation Act, the Manager, Ship Operations and Qualifications may suspend a GMDSS certificate or a certificate of recognition if any of the grounds mentioned in section 12 is established.

13.2 If a GMDSS certificate or a certificate of recognition is suspended, it is not in force during the period of suspension.

13.3 A certificate may be suspended:

- (a) for a stated period; or
- (b) until a stated event happens.

## **14 Procedures required for revocation, suspension or variation**

The Manager, Ship Operations and Qualifications may revoke, suspend or vary a certificate by imposing restrictions on the use of the certificate only if:

- (a) the holder has been told that action against the certificate is proposed, and has been given reasons for the proposed action; and
- (b) the holder has been given copies of any documents that the Manager, Ship Operations and Qualifications will be using to make his or her decision; and
- (c) the holder has been allowed at least 28 days to make submissions, which need not be in writing, about the proposed action; and
- (d) the Manager, Ship Operations and Qualifications has considered any submissions made by the holder.

## **15 Return of revoked or suspended certificates**

15.1 For section 40 and paragraph 314(5)(d) of the Navigation Act, a person who receives notice of a revoked or suspended GMDSS certificate or certificate of recognition must return the certificate to the Manager, Ship Operations and Qualifications within 14 days after receiving notice of the revocation or suspension.

Penalty 50 penalty units.

15.2 An offence against subsection 15.1 is a strict liability offence.

15.3 A person is liable to a civil penalty if the person contravenes subsection 15.1.

## **16 Duration of certificates**

16.1 A GMDSS certificate:

- (a) comes into force on the day it is issued; and



- (b) expires on the earliest of the following:
    - (i) the day determined by the Manager, Ship Operations and Qualifications;
    - (ii) the day 5 years after it is issued;
    - (ii) when it is revoked.
- 16.2 A certificate of recognition:
- (a) comes into force on the day it is issued; and
  - (b) expires on the earliest of the following:
    - (i) the day determined by the Manager, Ship Operations and Qualifications;
    - (ii) the expiry date of the GMDSS certificate on which the certificate of recognition is based;
    - (ii) when it is revoked.

## 17 Renewal of certificates

- 17.1 For paragraph 314(5)(a) of the Navigation Act, an application to renew a GMDSS certificate or a certificate of recognition must:
- (a) be in writing; and
  - (b) mention the certificate sought to be renewed; and
  - (c) include evidence of the applicant's relevant service; and
  - (d) include any other documents that the Manager, Ship Operations and Qualifications considers necessary for assessing the application.

*Note* If a form is approved for the renewal application, the approved form must be used and is available on the AMSA website at <http://www.amsa.gov.au> — see *Marine Order 1 (Administration) 2011*.

- 17.2 The Manager, Ship Operations and Qualifications may renew a GMDSS certificate or a certificate of recognition for a stated period of up to 5 years if the holder:
- (a) has maintained a radio watch as a master or an officer of the watch in a seagoing ship fully fitted with GMDSS equipment for at least 12 months in the 5 years before applying for renewal; or
  - (b) has performed functions, relating to the category of GMDSS Certificate held by the person, that the Manager, Ship Operations and Qualifications considers to be at least equivalent to those mentioned in paragraph (a); or
  - (c) has successfully completed training approved by the Manager, Ship Operations and Qualifications.

## 18 Lost, stolen or destroyed certificates

- 18.1 If a GMDSS certificate is lost, stolen or destroyed, the holder must tell the Manager, Ship Operations and Qualifications within 14 days.  
Penalty: 50 penalty units.
- 18.2 An offence against subsection 18.1 is a strict liability offence.
- 18.3 A person is liable to a civil penalty if the person contravenes subsection 18.1.
- 18.4 If a lost or stolen GMDSS certificate is subsequently recovered, it must be given as soon as practicable to the Manager, Ship Operations and Qualifications.

- 18.5 The Manager, Ship Operations and Qualifications may issue a new GMDSS certificate to replace a certificate that has been lost, stolen or destroyed.

*Note* A certificate issued by the Department of Transport and Communications, the Spectrum Management Agency or the Australian Communications Authority can only be replaced by the Australian Communications and Media Authority (ACMA). If necessary, the Manager, Ship Operations and Qualifications will send the certificate to ACMA for replacing.

**[10] Further amendment — definitions**

The definition of **holder** in section 2 is amended by:

- (a) omitting the concluding semi-colon and inserting a full stop; and
- (b) formatting the defined term in bold italic.

**[11] Further amendment**

<i>Provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 7.1	ship	vessel
Subsection 7.1	Certificate	certificate

**Schedule 4 Marine Orders Part 9, issue 6**

(section 3)

**[1] Before section 1**

*insert*

**1A Name of Order**

This Order is *Marine Order 9 (Health — medical fitness) 2010*.

**[2] Subsection 1.1**

*substitute*

**1.1 Purpose**

This Order:

- (a) for subsection 29(2) of the Navigation Act — prescribes matters relating to the health of persons performing, or intending to perform, the duties of a seafarer; and
- (b) for subsection 65(2) of the Navigation Act — provides for the medical examination of, and the issue of certificates of fitness to, seafarers and persons proposing to engage in employment as seafarers; and
- (c) for paragraph 164(2)(a) of the Navigation Act — provides for the medical fitness of licensed pilots; and
- (d) gives effect to regulation I/9 of the STCW Convention and section B-I/9 of the STCW Code.

**[3] Subsection 1.2.1**

*substitute*

- 1.2.1 Paragraph 164(2)(a) of the Navigation Act provides for regulations to make provision for conditions, including conditions as to medical fitness, relating to the licensing of pilots under the Act.

**[4] Sections 2 to 7**

*substitute*

**2 Definitions**

In this Order:

***applicant*** means a person who is examined in accordance with subsection 8.2.

***Certificate of Medical Fitness*** means a Certificate of Medical Fitness issued in accordance with this Order and that contains at least the information mentioned in Schedule 2.

***holder***, of a Certificate of Medical Fitness, means the person identified as holder by the certificate.

***Medical Examination Guidelines*** means the *Guidelines for the medical examination of seafarers and licensed pilots*, obtainable from AMSA's website at <http://www.amsa.gov.au>.

***medical inspector*** means a person appointed as a medical inspector under section 8A.

***relevant vessel*** — see section 3.

***valid***, for a Certificate of Medical Fitness, means a certificate that is in force and that has not been cancelled.

*Note 1* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- General Manager, Ship Safety Division
- Manager, Ship Inspection and Registration
- Manager, Ship Operations and Qualifications
- Navigation Act
- SOLAS
- STCW Code.

*Note 2* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- inspector
- licensed pilot
- master
- seafarer
- STCW Convention.

*Note 3* A sail trainee is a passenger — see *Marine Order 52 (Sailing vessels) 1999*.

**3 Meaning of *relevant vessel***

For the Order, a ***relevant vessel*** is:

- (a) a regulated Australian vessel; or
- (b) a vessel that, but for paragraph 15(1)(c) of the Navigation Act, would be a regulated Australian vessel, for which most of the crew are residents of Australia and that is operated by any of the following (whether or not in association with anyone else):
  - (i) a person who is a resident of, or has his or her principal place of business in, Australia;
  - (ii) a company or association that is incorporated, or has its principal place of business, in Australia.

#### **4 Application**

This Order applies to:

- (a) a person employed, or proposing to engage in employment, on a relevant vessel; and
- (b) a person performing, or intending to perform, the duties of a licensed pilot; and
- (c) a person who employs, or proposes to employ, a person mentioned in paragraph (a) or (b); and
- (d) an applicant for the issue or revalidation of a certificate under *Marine Order 3 (Seagoing qualifications) 2004*.

#### **5 Review of decisions**

A decision under this Order is taken to be a reviewable decision for section 18 of *Marine Order 1 (Administration) 2011*.

#### **6 Requirement to be medically fit**

- 6.1 A person may perform duties as a seafarer on a relevant vessel only if person is medically fit to perform the duties.  
Penalty: 50 penalty units.
- 6.2 An offence against subsection 6.1 is a strict liability offence.
- 6.3 A person is liable to a civil penalty if the person contravenes subsection 6.1.  
Civil penalty: 50 penalty units.
- 6.4 The owner of a relevant vessel may take a person into employment to perform duties as a seafarer only if the person is medically fit to perform the duties.  
Penalty: 50 penalty units.
- 6.5 An offence against subsection 6.4 is a strict liability offence.
- 6.6 A person is liable to a civil penalty if the person contravenes subsection 6.4.  
Civil penalty: 50 penalty units.
- 6.7 A person may perform the duties of a licensed pilot only if the person is medically fit to perform the duties.  
Penalty: 50 penalty units.
- 6.8 An offence against subsection 6.7 is a strict liability offence.
- 6.9 A person is liable to a civil penalty if the person contravenes subsection 6.7.  
Civil penalty: 50 penalty units.

#### **7 Evidence of medical fitness**

For section 6, a person is medically fit to perform duties if:

- (a) the person has a valid Certificate of Medical Fitness; and
- (b) there is no evidence that his or her medical condition has altered since the Certificate of Medical Fitness was issued to an extent that would make him or her unfit to perform the duties.

#### **[5] Subsection 8.1, first note**

*omit*

**[6] Subsection 8.3, note**

*substitute*

*Note* If an owner of a vessel has additional fitness requirements for particular duties or voyages (eg for the handling of specific cargoes or voyages to the Antarctic), the owner should advise the medical inspector of those requirements and request a supplementary report against them.

**[7] Subsection 8.8**

*substitute*

**8.8 Showing Certificate of Medical Fitness**

8.8.1 A person required by any provision of a Marine Order to be the holder of a valid Certificate of Medical Fitness must show the certificate on demand to the owner or master of a vessel on which the person serves or intends to serve, or to an inspector.

Penalty: 50 penalty units.

8.8.2 An offence against subsection 8.8.1 is a strict liability offence.

8.8.3 A person is liable to a civil penalty if the person contravenes subsection 8.8.1.

Civil penalty: 50 penalty units.

**[8] After subsection 8.9**

*insert*

8.9.2 An offence against subsection 8.9.1 is a strict liability offence.

8.9.3 A person is liable to a civil penalty if the person contravenes subsection 8.9.1.

Civil penalty: 50 penalty units.

**[9] After section 8**

*insert*

**8A Appointment of medical inspectors**

8A.1 AMSA may appoint a person as a medical inspector.

8A.2 The person must be registered as a medical practitioner in a State or Territory of Australia.

*Note 1* In appointing a medical inspector, preference is given to a person who either has a Fellowship of the Australasian Faculty of Occupational Medicine (AFOM) or is a trainee of AFOM and works under the direct supervision of a Fellow.

*Note 2* Under section 33 of the *Acts Interpretation Act 1901*, AMSA may remove or suspend any person appointed and appoint another person temporarily in the place of any person so suspended.

**[10] Section 9**

*substitute*

**9 Aids to vision or hearing**

9.1 A seafarer or licensed pilot whose Certificate of Medical Fitness shows that an aid to vision or hearing was used for the purpose of being found medically fit must, at all times when on duty on a vessel:

(a) use the aid; and

(b) for an aid to vision — keep a spare aid to vision available.

Penalty: 50 penalty units.

- 9.2 An offence against subsection 9.1 is a strict liability offence.
- 9.3 A person is liable to a civil penalty if the person contravenes subsection 9.1.  
Civil penalty: 50 penalty units.

**[11] Appendix 1***omit***[12] Appendix 2, heading***substitute***Schedule 2 Information to be contained in Certificate of Medical Fitness**(section 2, definition of *Certificate of Medical Fitness*)**[13] Further amendments**

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 1.2.2	425(1)	339(1)
Subsection 1.2.3	425(1AA)	342(1)
Subsections 8.1 and 8.2	coastal pilot on a ship	licensed pilot on a vessel
Subsections 8.1, 8.2, 8.3 and 8.4	Medical Inspector of Seamen	medical inspector
Subsection 8.1, note 2	<i>Note 2</i>	<i>Note</i>
Paragraph 8.5.2 (a)	Medical Inspector of Seamen	medical inspector
Paragraph 8.5.2 (b)	Manager	Manager, Ship Operations and Qualifications
Subsection 8.5.4	ship	vessel
Subsection 8.5.4	Manager	Manager, Ship Operations and Qualifications
Subsection 8.5.4	Part	Order
Subsection 8.5.5	coastal	licensed
Subsection 8.5.5	Part	Order
Subsection 8.5.5	Manager	Manager, Ship Operations and Qualifications
Subsection 8.6.1	8.6.2	subsections 8.6.2
Subsection 8.6.1	8.7	subsection 8.7
Subsection 8.6.2	8.6.3	subsection 8.6.3
Subsection 8.6.2	8.7	subsection 8.7
Subsection 8.6.3	Medical Inspector of	medical inspector

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
	Seamen	
Subsection 8.6.4	Manager	Manager, Ship Operations and Qualifications
Subsection 8.6.4	ship	vessel
Subsection 8.6.4	Part	Order
Subsection 8.6.5	8.6.4	subsection 8.6.4
Subsection 8.6.5	coastal	licensed
Subsection 8.6.6	coastal	licensed
Section 8.7	Manager	Manager, Ship Operations and Qualifications
Subsection 8.7.1	Medical Inspector of Seamen	medical inspector
Subsection 8.7.2	8.7.1	subsection 8.7.1
Subsection 8.7.3	8.7.1	subsection 8.7.1
Paragraph 8.7.3(b)	8.5.4	subsection 8.5.4
Paragraph 8.7.3(b)	Medical Inspector of Seamen	medical inspector
Subsection 8.9	A person	8.9.1 A person
Subsection 8.9	8.7.1	subsection 8.7.1
Subsection 8.9	8.7.3	subsection 8.7.3
Subsection 8.9	Manager	Manager, Ship Operations and Qualifications
Subsection 8.9	<u>This is a penal provision</u>	Penalty: 50 penalty units.
Section 10	Marine Orders, Part 3 (Seagoing qualifications)	<i>Marine Order 3 (Seagoing qualifications) 2004</i>
Paragraph 10(b)	Appendix 2	Schedule 2
Appendix 2, item (k)	ship	vessel
Appendix 2, item (o)	Medical Inspector of Seamen	medical inspector

## Schedule 5 Marine Orders Part 12, issue 3

(section 3)

### [1] Section 1A

*omit*

*Marine Orders Part 12, issue 3*

*insert*

*Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2009*

### [2] Subsection 1.2.1

*substitute*

- 1.2.1 Paragraphs 339(2)(a) and (b) of the Navigation Act provides that regulations may provide for design and construction of vessels, including machinery and equipment to be carried on board vessels.
- 1.2.1A Paragraph 339(2)(e) of the Navigation Act provides that regulations may provide for the stability of vessels, including information about, and testing of, the stability of vessels.
- 1.2.1B Paragraph 340(1)(a) of the Navigation Act provides that regulations may provide for giving effect to SOLAS.

### [3] Section 2, definition of *Guidelines*

*omit*

### [4] Section 2, definition of *IS Code*

*substitute*

***IS Code*** means the *Code on Intact Stability, 2008* adopted by IMO Resolution MSC.267 (85), as in force from time to time.

*Note* A copy of each IMO resolution that adopts or amends this Code is available on AMSA's website at <http://www.amsa.gov.au>.

### [5] Section 2, definitions of *SOLAS ship* and *surveyor*

*substitute*

***OSV Design and Construction Guidelines*** means the *Guidelines for the Design and Construction of Offshore Supply Vessels 2006* adopted by IMO Resolution MSC.235 (82), as in force from time to time.

*Note 1* A copy of each IMO resolution that adopts or amends these Guidelines is available on AMSA's website at <http://www.amsa.gov.au>.

### [6] Section 2, note 2

*substitute*

*Note 3* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- cargo vessel
- General Manager, Maritime Operations Division
- IMO
- Manager, Ship Inspection and Registration
- national law
- SOLAS



- USL Code.

*Note 4* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- inspector
- owner
- recognised organisation (for organisations that have been prescribed for the definition — see *Marine Order 1 (Administration) 2011*)
- regulated Australian vessel
- seafarer
- overseas voyage.

## [7] Section 4

*substitute*

### 4 Application

4.1 This Order applies to:

- a regulated Australian vessel; and
- a foreign vessel:
  - in an Australian port; or
  - entering or leaving an Australian port; or
  - in the internal waters of Australia; or
  - in the territorial sea of Australia, other than in the course of innocent passage.

4.2 However, this Order applies to a foreign vessel to which SOLAS applies only to the extent that the vessel fails to comply with Chapter II-1 of SOLAS.

## [8] After subsection 8.1

*insert*

8.1A An offence against subsection 8.1 is a strict liability offence.

8.1B A person is liable to a civil penalty if the person contravenes subsection 8.1.

Civil penalty: 50 penalty units.

## [9] Subparagraphs 8.2(c)(i) and (ii)

*substitute*

- for a regulated Australian vessel — by the Manager, Ship Inspection and Registration or a recognised organisation; or
- for a foreign vessel — by the maritime administration of the country where the vessel is registered.

## [10] Schedule 1, subclause 8.2, definition of *passenger*

*substitute*

*Note* For the meaning of *passenger* — see s 14 of the Navigation Act.

## [11] Other amendments

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 1.1	Part of Marine Orders	Order
Subsection 1.1	SOLAS ships	vessels to which Chapter II-

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
		1 of SOLAS applies
Subsection 1.1	non-SOLAS ships	vessels to which Chapter II-1 of SOLAS does not apply
Subsection 1.2.2	Subsection 425(1)	Subsection 339(1)
Subsection 1.2.3	Subsection 425(1AA)	Section 342
Section 2	Part	Order
Section 2, definition of <i>offshore supply vessel</i>	Guidelines	OSV Design and Construction Guidelines
Section 2, note 1	Note 1	Note 2
Section 3	Part	Order
Subsection 3.1	ship	vessel
Subsection 3.2	an Australian registered ship	a regulated Australian vessel
Subsection 3.3	Provisions 7 and 8 of this Part	Sections 7 and 8
Subsection 5.1	<i>(Administration)</i>	<i>(Administration) 2011</i>
Subsection 5.1	ship	vessel
Subsection 5.3, note	<i>(Administration)</i>	<i>(Administration) 2011</i>
Paragraph 5.3(a)	ship	vessel
Subsection 6.1	<i>(Administration)</i>	<i>(Administration) 2011</i>
Subsection 6.4	ship	vessel
Section 7	ships	vessels
Section 7	ship	vessel
Subsection 7.1, heading	SOLAS ships	Vessels to which Chapter II-1 of SOLAS applies
Subsection 7.1.1	7.1.2	subsections 7.1.2
Subsection 7.1.1	SOLAS ship	vessel to which Chapter II-1 of SOLAS applies
Subsection 7.1.2	Marine Orders Part 47	<i>Marine Order 47 (Mobile offshore drilling units) 2012</i>
Subsection 7.1.3	Marine Orders Part 49	<i>Marine Order 49 (High speed craft) 2009</i>
Subsection 7.1.4	Marine Orders Part 49	<i>Marine Order 49 (High speed craft) 2009</i>
Subsection 7.1.4	Marine Orders Part 47	<i>Marine Order 47 (Mobile offshore drilling units) 2012</i>
Subsection 7.2, heading	Non-SOLAS ships	Vessels to which Chapter II-1 of SOLAS does not apply
Subsection 7.2	ship that is not a SOLAS ship	vessel to which Chapter II-1

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
		of SOLAS does not apply
Subsection 7.3.1, except note 2	Guidelines	OSV Design and Construction Guidelines
Section 8, except note 3	ship	vessel
Section 8	ships	vessels
Subsection 8.1	ship's	vessel's
Subsection 8.1	This is a penal provision.	Penalty: 50 penalty units.
Subsection 8.2	8.1	subsection 8.1
Paragraph 8.2(a)	Part	Order
Subsection 8.2, note 1	Guidelines	OSV Design and Construction Guidelines
Subsection 8.2, note 2	c	(c)
Subsection 8.2, note 2	a or b	(a) or (b)
Subsection 8.2, note 3	survey authority	recognised organisation
Subsection 8.2, note 3	light ship	lightship
Subsection 9.1	An Australian registered SOLAS ship	A regulated Australian vessel to which Chapter II-1 of SOLAS applies
Subsection 9.2	an Australian registered ship or class of ships	a regulated Australian vessel or class of vessels
Subsection 9.2	ship or class of ships	vessel or class of vessels
Subsection 9.2, note	ships	vessels
Schedule 1, clause 1	ships	vessels
Schedule 1, paragraph 1(h)	ship	vessel
Schedule 1, subclause 2.1	ships	vessels
Schedule 1, subclause 2.2	survey authority	recognised organisation
Schedule 1, subclause 2.3.1	survey authority	recognised organisation
Schedule 1, subclause 2.3.1 and 2.3.2	ship	vessel
Schedule 1, clause 3	ship	vessel
Schedule 1, clause 4	Australian registered cargo ships	regulated Australian vessels that are cargo vessels
Schedule 1, subclause 7.1.1	ships	vessels
Schedule 1, subclause	ship	vessel

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
7.1.2		
Schedule 1, subclause 7.3	survey authority	recognised organisation
Schedule 1, subclause 7.4	survey authorities	recognised organisations
Schedule 1, subclause 7.4	survey authority	recognised organisation
Schedule 1, subclause 7.4	surveyor	inspector or the vessel's recognised organisation
Schedule 1, subclauses 7.4 and 7.5	ship	vessel
Schedule 1, subclause 8.1	Provision 8 of Schedule 1	This clause
Schedule 1, subclause 8.1	crew	seafarers
Schedule 1, subclause 8.1	ships	vessels
Schedule 1, subclause 8.2	provision 8	this clause
Schedule 1, subclause 8.2, definitions of ' <b>A</b> ' class <b>division, door or enclosure</b> and <b>low flame spread surface</b>	Marine Orders, Part 15,	<i>Marine Order 15 (Construction — fire protection, fire detection and fire extinction) 2009</i>
Schedule 1, subclause 8.3.1	ships	vessels
Schedule 1, paragraph 8.4.2(b)	ship	vessel
Schedule 1, subclause 8.5.2, 8.5.3, 8.5.4 and 8.6.4	ship	vessel
Schedule 1, paragraph 8.5.2(a)	ship's	vessel's
Schedule 1, subclause 8.6.5	Marine Orders, Part 15	<i>Marine Order 15 (Construction — fire protection, fire detection and fire extinction) 2009</i>
Schedule 1, subclause 8.7.2	ship	vessel
Schedule 1, subclause 8.7.2	crew members	seafarers
Schedule 1, subclause 8.9.1	ships	vessels
Schedule 1, subclause 8.10	crew members	seafarers
Schedule 1, subclauses 8.10 and 8.11	ship	vessel
Schedule 1, subclause	crew members	seafarers

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
8.11.3		
Schedule 1, subclause 8.12.1	surveyor	inspector
Schedule 1, subclause 8.12.1	ship	vessel
Schedule 1, subclause 9.1	Provision	Clause
Schedule 1, subclause 9.2	Provision	clause
Schedule 1, subclause 9.2, definition of <i>competent person</i> , paragraph (b)	classification society	recognised organisation
Schedule 1, subclause 9.2, definition of <i>qualified person</i>	member of the ship's crew	seafarer
Schedule 1, subclause 9.3.2	ship	vessel
Schedule 1, subclause 9.3.2	9.3.5	subclause 9.3.5
Schedule 1, subclause 9.3.2	classification society	issuing body
Schedule 1, subclause 9.3.3	9.3.2	subclause 9.3.2
Schedule 1, subclauses 9.3.3 and 9.3.4	ship	vessel
Schedule 1, subclause 9.3.4	9.3.5	subclause 9.3.5
Schedule 1, subclause 9.3.5.3	Marine Orders, Part 32	<i>Marine Order 32 (Cargo handling equipment) 2011</i>
Schedule 1, subclause 9.3.5.3	9.3.2	subclause 9.3.2
Schedule 1, clause 10	ship	vessel
Schedule 1, clause 10	ship's	vessel's
Schedule 1, subclause 11.2	Provision	clause
Schedule 1, subclause 11.1	Provision	Clause
Schedule 1, subclause 11.1	ship	vessel
Schedule 1, subclauses 11.3.2 and 11.6.1	ship	vessel
Schedule 1, subclause 11.8.1	surveyor	inspector or the vessel's recognised organisation

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Schedule 1, subclauses 11.8.3 and 11.9.1	ship	vessel
Schedule 1, paragraphs 12.1.1(a) and (b)	ship	vessel
Schedule 1, subclause 12.2	ship	vessel

## Schedule 6 Marine Orders Part 15, issue 5

(section 3)

### [1] Section 2, definition of *Fire Safety Systems Code (or FSS Code)*

*substitute*

***Fire Safety Systems Code (or FSS Code)*** means the *International Code on Fire Safety Systems* adopted by IMO Resolution MSC.98 (73), as in force from time to time.

*Note 1* A copy of each IMO resolution that adopts or amends this Code is available on AMSA's website at <http://www.amsa.gov.au>.

### [2] Section 2, definitions of *SOLAS ship, surveyor*

*omit*

### [3] Section 2, note 2

*omit*

- AMSA

*insert*

- cargo vessel

### [4] Section 2, note 2

*after*

- Manager, Ship Inspection and Registration

*insert*

- national law

### [5] Section 2, after note 2

*insert*

*Note 4* Some terms used in this Order are defined in the Navigation Act, including:

- AMSA
- foreign vessel
- inspector
- recognised organisation.

**[6] Section 4***substitute***4 Application**

- 4.1 This Order applies to each of the following vessels:
- (a) a regulated Australian vessel;
  - (b) a foreign vessel:
    - (i) in an Australian port; or
    - (ii) entering or leaving an Australian port; or
    - (iii) in the internal waters of Australia; or
    - (iv) in the territorial sea of Australia, other than in the course of innocent passage.
- 4.2 However, this Order applies to a foreign vessel to which SOLAS applies only to the extent that the vessel fails to comply with Chapter II-2 of SOLAS.

**[7] Other amendments**

<i>provision</i>	<i>omit each mention of</i>	<i>Insert</i>
Section 1A	<i>15, issue 5</i>	<i>15 (Construction — fire protection, fire detection and fire extinction) 2009</i>
Subsection 1.1	SOLAS ships	vessels to which Chapter II-2 of SOLAS applies
Subsection 1.1	non-SOLAS ships	vessels to which Chapter II-2 of SOLAS does not apply
Subsection 1.2.1	Section 191	Paragraph 340(1)(a)
Subsection 1.2.1	Paragraph 215(1)(b)	Paragraph 339(2)(h)
Subsection 1.2.1	ships	vessels
Subsection 1.2.2	425(1)	339(1)
Subsection 1.2.3	425(1AA)	342(1)
Section 2, note 1	<i>Note 1</i>	<i>Note 2</i>
Section 2, note 2	<i>(Administration)</i>	<i>(Administration) 2011</i>
Section 2, note 2	<i>Note 2</i>	<i>Note 3</i>
Section 3.1	ship	vessel
Subsection 3.2	an Australian registered ship	a regulated Australian vessel
Section 5	<i>(Administration)</i>	<i>(Administration) 2011</i>
Subsection 5.1	ship	vessel
Paragraph 5.3(a)	ship	vessel
Section 6	<i>(Administration)</i>	<i>(Administration) 2011</i>
Subsection 6.1, note	provision	subsection
Subsection 6.4	ship	vessel

<i>provision</i>	<i>omit each mention of</i>	<i>Insert</i>
Subsection 7.1, heading	SOLAS ships	Vessels to which Chapter II-2 of SOLAS applies
Subsection 7.1.1	SOLAS ship	vessel to which Chapter II-2 of SOLAS applies
Subsection 7.1.1	ships	vessels
Subsection 7.1.2	ship	vessel
Paragraph 7.1.1(b)	if registered in Australia	for a regulated Australian vessel
Paragraph 7.1.2(a)	Marine Orders Part 47	<i>Marine Order 47 (Mobile offshore drilling units) 2012</i>
Subsection 7.1.2(b)	Marine Orders Part 49	<i>Marine Order 49 (High Speed Craft) 2009</i>
Subsection 7.2, heading	Non-SOLAS ships	Vessels to which Chapter II-2 of SOLAS does not apply
Subsection 7.2	ship that is not a SOLAS ship	vessel to which Chapter II-2 of SOLAS does not apply
Subsections 7.2 and 7.3	ship	vessel
Subsection 7.3	Australian registered ship or class of ships	regulated Australian vessel or class of vessels
Subsection 7.3	ships to	vessels to
Schedule 1, heading	provision	section
Schedule 1, clause 1	survey authority	recognised organisation
Schedule 1, clause 1	2,	clauses 2,
Schedule 1, clause 2	self contained	self-contained
Schedule 1, paragraph 2(c)	2.1	subclauses 2.1
Schedule 1, clause 3	ship	vessel
Schedule 1, clause 4	4.1	subclauses 4.1
Schedule 2, heading	provision	section
Schedule 2, subclause 1.1	1.2	subclauses 1.2
Schedule 2, subclause 1.4	1.2	subclause 1.2
Schedule 2, subclause 2.1	2.2	subclauses 2.2
Schedule 2, subclause 3.1	3.2	subclauses 3.2
Schedule 2, subclause 3.4	3.3	subclause 3.3
Schedule 2, clause 4	ship	vessel



<i>provision</i>	<i>omit each mention of</i>	<i>Insert</i>
Schedule 2, subclause 4.5	4.6	subclause 4.6
Schedule 2, subclauses 4.6, 4.7 and 4.8.3	a surveyor	an inspector or the vessel's recognised organisation
Schedule 2, subclause 4.7	the surveyor	the inspector or the vessel's recognised organisation
Schedule 2, subclause 4.8.3	4.8.1	subclauses 4.8.1
Schedule 3, heading	provision	section
Schedule 3, paragraph 1.1.1(d)	1.1.2	subclause 1.1.2
Schedule 3, subclause 1.1.3	a surveyor	an inspector or the vessel's recognised organisation
Schedule 3, Table 1	ship	vessel
Schedule 3, Table 1	Ships	Vessels
Schedule 3, Table 1	ships	vessels
Schedule 3, Table 1	Marine Orders, Part 31	<i>Marine Order 31 (Ship surveys and certification) 2006</i>
Schedule 3, Table 1	See 4	See clause 4
Schedule 3, Table 1	Appendix	Schedule
Schedule 3, subclause 1.3.1	survey authority	recognised organisation

## **Schedule 7 Marine Orders Part 16, issue 3**

(section 3)

### **Division 1 Initial modification**

#### **[1] Before section 1**

*insert*

### **Division 1 Preliminary**

#### **1A Name of Order**

This Order is *Marine Order 16 (Load Lines) 2004*.

#### **[2] Subsection 1.2**

*substitute*

#### **1.2 Power**

1.2.1 Section 98 of the Navigation Act provides that the regulations may provide for safety certificates including giving effect to the Load Lines Convention.

- 1.2.2 Subsection 309(2) of the Navigation Act provides that the regulations may provide for the keeping of logbooks.
- 1.2.3 Section 314 of the Navigation Act provides that the regulations may provide for matters relating to certificates.
- 1.2.4 Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to the Act.
- 1.2.5 Paragraph 340(1)(d) of the Navigation Act provides that the regulations may provide for giving effect to the Load Lines Convention.
- 1.2.6 Subsection 342(1) of the Navigation Act provides that AMSA may make orders for any matter for which regulations may provide.

**[3] Section 2**

*substitute*

**2 Definitions**

In this Order:

***assigning authority*** means:

- (a) for a vessel whose freeboard is assigned by a recognised organisation — the recognised organisation; or
- (b) for any other vessel — the Manager, Ship Inspection and Registration.

*Note 1* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- General Manager, Ship Safety Division
- length
- IMO
- Manager, Ship Inspection and Registration
- Navigation Act
- passenger vessel
- recognised organisation
- SOLAS
- USL Code.

*Note 2* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- inspector
- Load Lines Convention
- master
- regulated Australian vessel.

*Note 3* Information on obtaining copies of IMO documents mentioned in this Order is available from AMSA's website at <http://www.amsa.gov.au> or by email at [international.relations@amsa.gov.au](mailto:international.relations@amsa.gov.au).

**[4] Subsection 3.4**

*omit*

**[5] Sections 4 to 6**

*substitute*

**4 Application**

- 4.1 This Order applies to the following vessels:
- (a) a regulated Australian vessel;
  - (b) a foreign vessel:
    - (i) in an Australian port; or
    - (ii) entering or leaving an Australian port; or
    - (iii) in the internal waters of Australia; or
    - (iv) in the territorial sea of Australia, other than in the course of innocent passage.
- 4.2 This Order does not apply to a fishing vessel.

**5 Equivalentents**

- 5.1 A person may apply, in accordance with the application process set out in Division 3 of *Marine Order 1 (Administration) 2011*, for approval to use an equivalent.
- 5.2 The decision maker for the application is the Manager, Ship Inspection and Registration.
- 5.3 The Manager, Ship Inspection and Registration may approve use of an equivalent only if he or she is satisfied that use of the equivalent would be at least as effective as compliance with the requirement to which the equivalent is an alternative.
- 5.4 In this section:
- equivalent*** means:
- (a) a fitting, material, appliance or apparatus that may be fitted or carried in a vessel as an alternative to a fitting, material, appliance or apparatus that a section of this Order, or a provision of the Load Lines Convention, requires to be fitted or carried in a vessel; or
  - (b) an arrangement that could be made or a procedure that could be followed, in or for a vessel, as an alternative to a requirement of:
    - (i) this Order; or
    - (ii) the Load Lines Convention.

***use***, of an equivalent, includes:

- (a) fitting or carrying the equivalent in or on a vessel; and
- (b) making an alternative arrangement or following an alternative procedure.

*Note* *Marine Order 1 (Administration) 2011* deals with the following matters about equivalentents and exemptions:

- making an application
- seeking further information about an application
- the time allowed for consideration of an application
- notification of a decision on an application
- review of decisions.

## **6 Exemptions**

- 6.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for an exemption of a vessel from a requirement of this Order.
- 6.2 The decision maker for the application is the Manager, Ship Inspection and Registration.
- 6.3 The Manager, Ship Inspection and Registration may give an exemption only if he or she is satisfied that:
- (a) compliance with the requirement would be unnecessary or unreasonable having regard to the vessel, its equipment and its intended voyage; and
  - (b) giving the exemption would not contravene:
    - (i) this Order; or
    - (ii) the Load Lines Convention.
- 6.4 An application for an exemption from a requirement of this Order must include any information that the Manager, Ship Inspection and Registration considers necessary.

## **Division 2 Requirements for vessels to which the Load Lines Convention applies**

### **[6] Section 9**

*omit*

### **[7] Section 11**

*substitute*

### **11 Strength of vessel**

- 11.1 Freeboards may be assigned to a vessel in accordance with this Order only if the general structural strength of the vessel is sufficient for it to be loaded to the draughts corresponding to those freeboards.
- 11.2 A vessel built and maintained in accordance with the requirements of a recognised organisation of the country of registration of the vessel is taken to have sufficient general structural strength.

*Note* *Marine Order 1 (Administration) 2011* contains a list of recognised organisations.

### **[8] Section 14**

*substitute*

## **Division 3 Requirements for vessels to which the Load Lines Convention does not apply**

### **14 Non-Load Lines Convention vessels — general requirements**

- 14.1 Vessels 24 m and over in length  
Parts 2, 3, 5 and 6 of section 7 of the USL Code apply to a vessel that is 24 m and over in length and is not subject to the Load Lines Convention.
- 14.2 Vessels under 24 m in length
- 14.2.1 Part 11 of section 7 of the USL Code applies to a vessel that is under 24 m in length and is not subject to the Load Lines Convention.

- 14.2.2 The master and owner of a vessel under 24 m in length need not comply with Division 4 if a certificate of survey that complies with *Marine Order 31 (Vessel surveys and certification) 2006* is maintained for the vessel.
- 14.2.3 If a load line certificate is issued for a vessel mentioned in subsection 14.2.1, the vessel must comply with parts 2, 3, 5 and 6 of section 7 of the USL Code.

#### **14A Criteria for issue of certificates — non Load Lines Convention vessels**

- 14A.1 For sections 103 and 104 of the Navigation Act, a regulated Australian vessel to which the Load Lines Convention does not apply must have an Australian load line certificate in accordance with Form 3 in Schedule 2.
- 14A.2 For subsection 99(1) of the Navigation Act, an Australian load line certificate is a safety certificate.
- Note* It is an offence under sections 103 and 104 of the Navigation Act if a vessel is taken to sea without a certificate of a specified kind in force for the vessel.
- 14A.3 For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of an Australian load line certificate are that:
- (a) the vessel is surveyed in accordance with section 21 and found to comply with the conditions of assignment applicable to the vessel; and
  - (b) the vessel complies with the relevant requirements of section 7 of the USL Code.
- 14A.4 An Australian load line certificate must specify a period of up to 5 years for which the certificate remains in force.

#### **14B Criteria for variation of certificates — non Load Lines Convention vessels**

- 14B.1 For section 101 of the Navigation Act, the criteria for variation of an Australian load line certificate are that:
- (a) a written application is made to the assigning authority, stating the nature of the variation; and
  - (b) the vessel complies with the survey requirements mentioned in section 21 and any additional survey requirements imposed by the Manager, Ship Inspection and Registration; and
  - (c) the safety of the vessel and any person on board will not be adversely affected.
- 14B.2 If an Australian load line certificate is varied by extending the term of the certificate, the term of extension must not be more than 3 months.

#### **14C Criteria for revocation of certificates — non Load Lines Convention vessels**

- 14C For section 102 of the Navigation Act, the criteria for revocation of an Australian load line certificate are that:
- (a) the required surveys mentioned in section 21 are not completed within the periods specified; or
  - (b) the certificate is not endorsed to show that the annual survey of the vessel has occurred as specified in section 21; or
  - (c) the vessel's hull or superstructures are altered to the extent that an increased freeboard must be assigned; or

- (d) fittings and appliances to protect the openings, guard rails, freeing ports and means of access to a seafarer's quarters are not maintained in an effective condition; or
- (e) the vessel ceases to be registered in Australia.

#### **Division 4 Requirements for all vessels mentioned in Divisions 2 and 3 of this Order**

**[9] Section 15, heading**

*substitute*

**15 Statement of assigning authority**

**[10] Subsection 15.1, heading**

*omit*

**[11] After subsection 15.1.1**

*insert*

- 15.1.1A An offence against subsection 19.1{.1} is a strict liability offence.
- 15.1.1B A person is liable to a civil penalty if the person contravenes subsection 19.1{.1}.
  - Penalty: 50 penalty units.

**[12] Subsection 15.2, heading**

*substitute*

**12 Loading information**

**[13] After subsection 15.1.2**

*insert*

- 15.1.2A An offence against subsection 19.1.2 is a strict liability offence.
- 15.1.2B A person is liable to a civil penalty if the person contravenes subsection 19.1.2.
  - Penalty: 50 penalty units.

**[11] Subsection 15.2.1, notes**

*substitute*

- 15.2.1A An offence against subsection 12.2.1 is a strict liability offence.
- 15.2.1B A person is liable to a civil penalty if the person contravenes subsection 12.2.1.
  - Civil penalty: 50 penalty units.
  - Note* Chapter II-I of SOLAS provides stability information that vessels to which SOLAS applies are required to carry.
- 15.2.1C For subsection 12.2.1, information marked by the recognised organisation or AMSA as approved is taken to remain acceptable for all subsequent inspections and surveys unless the vessel has undergone structural modification.
- 15.2.1D For paragraph 12.2.1(a), a **loading instrument** includes a computer and any associated computer program approved by the issuing body.

**[12] After subsection 15.2.2**

*insert*

- 15.2.3 An offence against subsection 12.2.2 is a strict liability offence.
- 15.2.4 A person is liable to a civil penalty if the person contravenes subsection 12.2.2.  
Civil penalty: 50 penalty units.

**15A Criteria for issue of certificates — Load Lines Convention vessels**

- 15A.1 For sections 103 and 104 of the Navigation Act, a regulated Australian vessel to which the Load Lines Convention applies must have:
- (a) an international load line certificate in accordance with Form 1 in Schedule 2; or
  - (b) an international load line exemption certificate in accordance with Form 2 in Schedule 2.
- 15A.2 For paragraph 100(1)(b) of the Navigation Act, the criterion for the issue of an international load line certificate is that the vessel is surveyed in accordance with Article 14 of the Load Lines Convention and found to comply with the Convention.
- 15A.3 For subsection 99(1) of the Navigation Act, an international load line certificate is a safety certificate.
- Note* It is an offence under sections 103 and 104 of the Navigation Act if a vessel is taken to sea without a certificate of a specified kind in force for the vessel.
- 15A.4 An international load line certificate must specify a period up to 5 years for which the certificate remains in force.
- 15A.5 For paragraph 100(1)(b) of the Navigation Act, the criterion for the issue of an international load line exemption certificate is that paragraph 2 or 4 of Article 6 of the Load Lines Convention applies to the vessel.
- 15A.7 For subsection 99(1) of the Navigation Act, an international load line exemption certificate is a safety certificate.
- 15A.8 An international load line exemption certificate issued in accordance with paragraph 2 of Article 6 of the Load Lines Convention must specify a period of up to 5 years for which the certificate remains in force.
- 15A.9 An international load line exemption certificate issued in accordance with paragraph 4 of Article 6 of the Load Lines Convention remains in force for the duration of the single voyage for which it is issued.

**15B Criteria for variation of certificates — Load Lines Convention vessels**

For section 101 of the Navigation Act, the criteria for variation of an international load line certificate or an international load line exemption certificate are set out in paragraphs 2 and 4 of Article 19 of the Load Lines Convention.

**15C Criteria for revocation of certificates — Load Lines Convention vessels**

- 15C.1 For section 102 of the Navigation Act, the criteria for revocation of an international load line certificate are that:
- (a) the hull or superstructures of the vessel are altered to the extent that an increased freeboard must be assigned; or

- (b) the fittings and appliances mentioned in subparagraph (1)(c) of Article 14 of the Load Lines Convention are not maintained in effective condition; or
  - (c) the certificate is not endorsed to show that the vessel has been inspected in accordance with subparagraph (1)(c) of Article 14 of the Load Lines Convention; or
  - (d) the structural strength of the vessel is lowered to the extent that the vessel is unsafe.
- 15C.2 For section 102 of the Navigation Act, the criteria for revocation of an international load line exemption certificate are that:
- (a) the hull or superstructures of the vessel are altered to the extent that an increased freeboard must be assigned; or
  - (b) the fittings and appliances mentioned in subparagraph (1)(c) of Article 14 of the Load Lines Convention are not maintained in effective condition; or
  - (c) the certificate is not endorsed to show that the vessel has been inspected in accordance with subparagraph (1)(c) of Article 14 of the Load Lines Convention; or
  - (d) the structural strength of the vessel is lowered to the extent that the vessel is unsafe; or
  - (e) the vessel does not comply with a safety requirement specified as a safety requirement with which the vessel must comply.

*Note* Paragraph 5 of Article 19 of the Load Lines Convention provides that a certificate issued to a vessel ceases to be valid on the transfer of the vessel to the flag of another State.

### [13] Section 16

*substitute*

#### 16 Entries to be made in the official log-book

For section 309 of the Navigation Act, the master of a regulated Australian vessel must make the entries in the official log-book that are mentioned in Parts II and III of the prescribed form of the official log-book.

*Note* *Marine Order 11 (Living and working conditions on vessels) 2013* sets out the matters which must be recorded in the official log book.

### [14] Sections 19 to 21

*substitute*

#### 21 Alterations

- 21.1 The owner of a vessel may permit an alteration mentioned in Article 15 of the Load Lines Convention to be made to the vessel only if:
- (a) the owner applies for approval in writing to the assigning authority for the existing load line certificate, stating the nature of the alteration proposed; and
  - (b) the assigning authority approves the proposed alteration; and
  - (c) the alteration is in accordance with any conditions mentioned in the approval.
- Penalty: 50 penalty units.
- 21.2 An offence against subsection 22.1 is a strict liability offence.
- 21.3 A person is liable to a civil penalty if the person contravenes subsection 22.1.
- Civil penalty: 50 penalty units.



**[15] After section 22**

*insert*

**22A Meaning of overloaded**

- 22A.1 For paragraph 113(a) of the Navigation Act, this section sets out the circumstances in which a vessel is overloaded.
- 22A.2 A vessel is overloaded if the appropriate load line would be submerged if the vessel were floating without a list in still salt water of a specific gravity of 1.025.
- 22A.3 A vessel is overloaded if:
- (a) it is engaged on, or is about to engage on, a voyage during which a load line other than the appropriate load line would, at some later time during the voyage, become the appropriate load line (the *second load line*); and
  - (b) the second load line would be submerged if the vessel were floating without a list in still salt water of a specific gravity of 1.025 and the fuel and other material that would normally be consumed or discharged before the second load line became the appropriate load line were unloaded from the vessel.
- 22A.4 A vessel is overloaded if:
- (a) it is a passenger vessel; and
  - (b) the appropriate subdivision load line would be submerged if the vessel were floating without a list in still salt water of a specific gravity of 1.025.
- 22A.5 For this section, the appropriate load line or appropriate subdivision load line is determined in accordance with section 23.

**[16] Section 23**

*substitute*

**23 Markings**

- 23.1 For paragraph 339(2)(d) of the Navigation Act, a regulated Australian vessel must be marked with:
- (a) the marks required by the Load Lines Convention; and
  - (b) clearly visible draught marks in accordance with Schedule 1.
- 23.2 The owner of a vessel must ensure that the marks mentioned in subsection 24.1 are maintained in a clearly visible condition.
- Penalty: 50 penalty units.
- 23.3 An offence against subsection 24.2 is a strict liability offence.
- 23.4 A person is liable to a civil penalty if the person contravenes subsection 24.2.
- Civil penalty: 50 penalty units.

**[17] After Appendix**

*insert*

**Schedule 2 Forms**

**Form1**

**AUSTRALIA**

**MO16-LL88**

Certificate Number

**INTERNATIONAL LOAD LINE CERTIFICATE**

Issued under the  
**INTERNATIONAL CONVENTION ON LOAD LINES, 1966**  
 and in accordance with Assembly resolution A.718(17) relating to the early implementation of the  
 harmonized system of survey and certification as modified by the Protocol of 1988, under the authority of  
 the Australian Government by the

*(person or organisation authorised)*

**Particulars of ship**

Name of ship	IMO Number	Port of registry
Length (L) as defined in article 2(8))	Distinctive number or letters	
Freeboard assigned as	Type of ship	

**Freeboard from deck line**

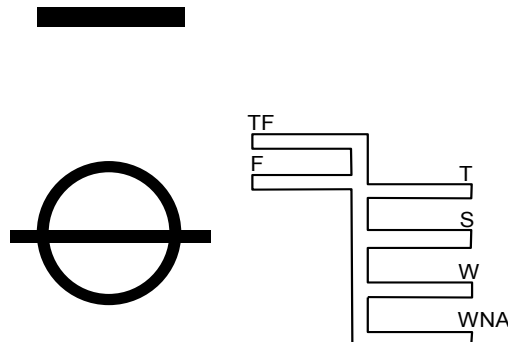
Tropical mm (T)  
 Summer mm (S)  
 Winter mm (W)  
 Winter North Atlantic mm (WNA)

**Load Line**

mm above (S)  
 Upper edge of line through centre of ring  
 mm below (S)  
 mm below (S)

Allowance for fresh water for all freeboards mm

The upper edge of the deck line from which these freeboards are measured is mm deck at side.



**THIS IS TO CERTIFY THAT:**

1. The ship has been surveyed in accordance with the requirements of article 14 of the Convention.

2. The survey showed that the freeboards have been assigned and load lines shown above have been marked in accordance with the Convention:

This certificate is valid until \_\_\_\_\_ subject to annual surveys in accordance with article 14(1)(c) of the Convention.

Completion date of the survey on which this certificate is based: \_\_\_\_\_

Issued at \_\_\_\_\_

(Place of issue of certificate)

(Date of issue)

(Signature of authorised official issuing the certificate)

#### Endorsements for annual surveys

**THIS IS TO CERTIFY** that, at an annual survey required by article 14(1)(c) of the Convention, the ship was found to comply with the relevant requirements of the Convention.

##### Annual survey:

Place: \_\_\_\_\_ Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
(Signature of authorised official)

##### Annual survey:

Place: \_\_\_\_\_ Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
(Signature of authorised official)

##### Annual survey:

Place: \_\_\_\_\_ Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
(Signature of authorised official)

##### Annual survey:

Place: \_\_\_\_\_ Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
(Signature of authorised official)

#### Annual survey in accordance with article 19(8)(c)

**THIS IS TO CERTIFY** that, at the annual survey in accordance with article 19(8)(c) of the Convention, the ship was found to comply with the relevant requirements of the Convention.

Place: \_\_\_\_\_ Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
(Signature of authorised official)

#### Endorsement to extend the certificate if valid for less than 5 years where article 19(3) applies

The ship complies with the relevant requirements of the Convention, and this certificate will, in accordance with

article 19(3) of the Convention, be accepted as valid until \_\_\_\_\_

Place: \_\_\_\_\_ Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
(Signature of authorised official)

#### Endorsement if the renewal survey has been completed and article 19(4) applies

The ship complies with the relevant requirements of the Convention, and this certificate will, in accordance with

article 19(4) of the Convention, be accepted as valid until \_\_\_\_\_

Place: \_\_\_\_\_ Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
(Signature of authorised official)

#### Endorsement to extend the validity of the certificate until reaching the port of survey or for a period of grace if article 19(5) or 19(6) applies

This certificate will, in accordance with article 19(5) or 19(6) of the Convention, be accepted as valid until

Place: Date: ..... Signed: .....  
 (Signature of authorised official)

**Endorsement for advancement of anniversary date if article 19(8) applies**

In accordance with article 19(8) of the Convention:

The new anniversary date is .....

Place: Date: ..... Signed: .....  
 (Signature of authorised official)

The new anniversary date is .....

Place: Date: ..... Signed: .....  
 (Signature of authorised official)

**Form 2**

**AUSTRALIA**

Certificate Number

**INTERNATIONAL LOAD LINE  
 EXEMPTION CERTIFICATE**

Issued under the  
**INTERNATIONAL CONVENTION ON LOAD LINES, 1966**  
 as modified by the Protocol of 1988,  
 under the authority of the Australian Government by the

*(person or organisation recognised)*

**Particulars of ship**

Name of ship	IMO Number	Port of registry
Length (L) as defined in article 2(8)) <b>m</b>	Distinctive number or letters	

**THIS IS TO CERTIFY:**

That the ship is exempted from the provisions of the Convention, under the authority conferred by of the Convention.

The provisions of the Convention from which the ship is exempted under Article 6(2) are:

The voyage for which exemption is granted under Article 6(4) is:

From:

To:

Conditions, if any, on which exemption is granted under either Article 6(2) or Article 6(4):

This certificate is valid until      subject to annual surveys in accordance with article 14(1)(c) of the Convention.

Completion date of the survey on which this certificate is based:      .

Issued at

*(Place of issue of certificate)*

*(Date of issue)*

*(Signature of authorised official issuing the certificate)*

### Endorsement for annual surveys

**THIS IS TO CERTIFY** that, at an annual survey required by article 14(1)(c) of the Convention, the ship was found to comply with the conditions under which this exemption was granted.

#### Annual survey:

Place: ..... Date: ..... Signed: .....  
*(Signature of authorised official)*

#### Annual survey:

Place: ..... Date: ..... Signed: .....  
*(Signature of authorised official)*

#### Annual survey:

Place: ..... Date: ..... Signed: .....  
*(Signature of authorised official)*

**Annual survey:**

Place: ..... Date: ..... Signed: .....  
*(Signature of authorised official)*

Certificate Number

**Annual survey in accordance with article 19(8)(c)**

**THIS IS TO CERTIFY** that, at a survey in accordance with article 19(8)(c) of the Convention, the ship was found to comply with the relevant requirements of the Convention.

Place: ..... Date: ..... Signed: .....  
*(Signature of authorised official)*

***Endorsement to extend the certificate if valid for less than 5 years and if article 19(3) applies***

The ship complies with the relevant requirements of the Convention, and this certificate will, in accordance with article 19(3) of the Convention, be accepted as valid until .....

Place: ..... Date: ..... Signed: .....  
*(Signature of authorised official)*

***Endorsement if the renewal survey has been completed and article 19(4) applies***

The ship complies with the relevant requirements of the Convention, and this certificate will, in accordance with article 19(4) of the Convention, be accepted as valid until .....

Place: ..... Date: ..... Signed: .....  
*(Signature of authorised official)*

***Endorsement to extend the validity of the certificate until reaching the port of survey or for a period of grace if article 19(5) or 19(6) applies***

This certificate will, in accordance with article 19(5) / 19(6) \* of the Convention, be accepted as valid until

Place: ..... Date: ..... Signed: .....  
*(Signature of authorised official)*

***Endorsement for advancement of anniversary date if article 19(8) applies***

In accordance with article 19(8) of the Convention the new anniversary date is .....

\* Delete as appropriate

Place: ..... Date: ..... Signed: .....  
 (Signature of authorised official)

In accordance with article 19(8) of the Convention the new anniversary date is .....

Place: ..... Date: ..... Signed: .....  
 (Signature of authorised official)

\* Delete as appropriate

## Form 3

### Australian Load Line Certificate

Navigation Act 2012

Issued under the authority of the Australian Government,  
 by .

Name of Ship	Distinctive Number or Letters	Port of Registry	Length(L) as defined in Article 2(8)

Freeboard assigned as:

Type of ship:

*Note: Freeboards and load lines which are not applicable need not be entered on the certificate.*

#### Freeboard from Deck Line

Tropical	mm (T)
Summer of ring.	mm (S)
Winter	mm (W)
Winter North Atlantic	mm (WNA)
Timber Tropical	mm (LT)
Timber Summer	mm (LS)
Timber Winter	mm (LW)
Timber Winter North Atlantic	mm (LWNA)

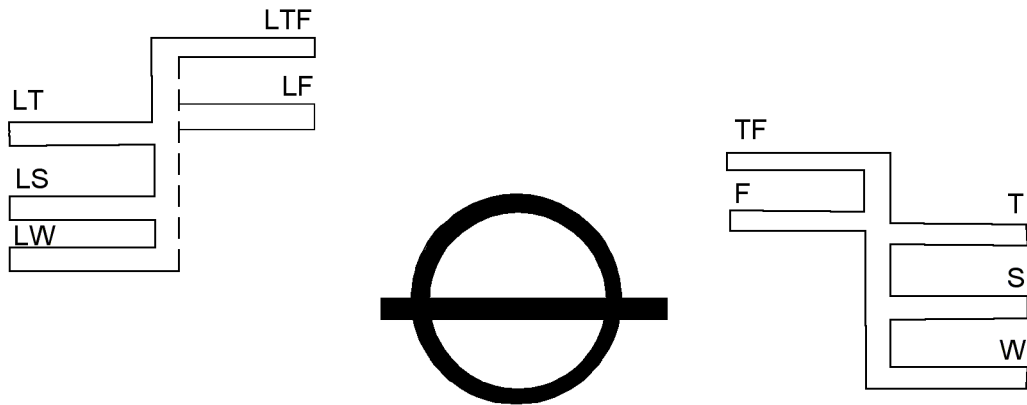
#### Load Line

mm above (S)
Upper edge of line through centre
mm below (S)
mm below (S)
mm above (LS)
mm above (S)
mm below (LS)
mm below (LS)

Allowance for fresh water for all freeboards other than timber      mm

For timber freeboards      mm

The upper edge of the deck line from which these freeboards are measured is      mm      deck at side.



Date of initial or periodical survey

This is to certify that this ship has been surveyed and that the freeboards have been assigned and load lines shown above have been marked in accordance with the *Navigation Act 2012*.

Service restrictions.....

This certificate is valid until , subject to periodical inspections in accordance with *Marine Order 16 (Load Lines) 2004*.

Issued at Date of Issue

The undersigned declares that he or she is duly authorised by the Australian Government to issue this certificate.

.....  
Delegate

*Note 1* When a ship departs from a port situated on a river or inland waters, deeper loading will be permitted corresponding to the weight of fuel and all other materials required for consumption between the point of departure and the sea.

*Note 2* When a ship is in fresh water of unit density the appropriate load line may be submerged by the amount of the fresh water allowance shown above. Where the density is other than unity, an allowance will be made proportional to the difference between 1.025 and the actual density.

This is to certify that, at a periodical inspection required by *Marine Order 16 (Load Lines) 2004*, this ship was found to comply with the relevant provisions of the Load Lines Convention.

Place..... Date .....

*Signature or seal, or both, of issuing authority*

Place ..... Date .....

*Signature or seal, or both, of issuing authority*



Place ..... Date .....

*Signature or seal, or both, of issuing authority*

Place ..... Date .....

*Signature or seal, or both, of issuing authority*

*Marine Order 16 (Load Lines) 2004* being fully complied with by this ship, the validity of this certificate is, in accordance with *Marine Order 16 (Load Lines) 2004* or Article 19(2) of the Convention, extended until .....

Place ..... Date .....

*Signature or seal, or both, of issuing authority*

### **[18] Further amendments**

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 1.1	Part of Marine Orders	Order
Subsection 1.1	an Australian registered ship	a regulated Australian vessel
Section 3	Part	Order
Section 3	Line	Lines
Subsections 3.2 and 3.3	Inspections	Inspection and Registration
Subsection 3.3, note	survey authority	recognised organisation
Section 7	Line	Lines
Section 7	ships	vessels
Section 7	ship	vessel
Section 7	Part	Order
Section 7	221	334
Section 7A	Inspections	Inspection and Registration
Section 7A	Line	Lines
Section 8	Inspections	Inspection and Registration
Subsection 8.1	ship	vessel
Subsection 8.1	ships	vessels
Subsection 8.1	Part	Order
Paragraph 8.1(a)	Line	Lines
Paragraph 8.1(e)	the purposes of section 187C and 207 of the Navigation Act	determining overloading
Subsection 8.2	8.1	subsection 16.1
Section 10	Line	Lines
Section 12	ship	vessel

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 12	Line	Lines
Paragraph 12(c)	Inspections	Inspection and Registration
Paragraph 12(c)	Part or another Part of Marine Orders	Order or another Order
Section 13	Line	Lines
Section 13	Inspections	Inspection and Registration
Section 13	ship	vessel
Section 13, note	<i>Orders, Part 47 (Mobile Off-shore Drilling Units)</i>	<i>Order 47 (Mobile Off-shore Drilling Units) 2012</i>
Subsection 15.1	ship	vessel
Subsection 15.1	Line	Lines
Subsection 15.1	provision	section
Subsection 15.1	<u>This is a penal provision.</u>	Penalty: 50 penalty units.
Paragraph 15.1.1(b)	8	16
Subsection 15.1.2	15.1.1	subsection 19.1.1
Subsection 15.2	ship	vessel
Subsection 15.2	survey authority	recognised organisation
Subsection 15.2	<u>This is a penal provision.</u>	Penalty: 50 penalty units.
Subsection 15.2.1	Line	Lines
Paragraph 15.2.1(a)	that authority	the organisation
Paragraph 15.2.1(b)	Inspections	Inspection and Registration
Paragraph 15.2.1(b)	master	master or is approved by the vessel's flag state
Subsection 15.2.2	15.2.1	subsection 12.2.1
Section 17	ships	a vessel
Section 17	Line	Lines
Section 17	ship	vessel
Section 17	Part	Order
Section 17	survey authority	recognised organisation
Section 17	Inspections	Inspection and Registration
Paragraph 17.2.3(a)	provision 15	sections 12 and 19
Subparagraph 17.2.3(b)(ii)	provision 23	section 24
Subsection 17.3.2	17.3.3	subsection 21.3.3
Paragraph 17.3.5(a)	provision 15	sections 12 and 19

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subparagraph 17.3.5(b)(ii)	provision 23	section 24
Paragraph 17.4.2(a)	provision 15	sections 12 and 19
Subparagraph 17.4.2(b)(ii)	provision 23	section 24
Section 18	survey authority	recognised organisation
Section 18	Inspections	Inspection and Registration
Section 18	provision 15.1	section 19
Paragraph 18(b)	ship	vessel
Section 22, heading	Overloading	Appropriate load line
Section 22	ship registered in Australia	regulated Australian vessel
Section 22	the purposes of subsection 187C(5) of the Navigation Act	section 23A
Section 22	Line	Lines
Section 22	ship's	vessel's
Section 22	SOLAS ship registered in a country other than Australia	foreign vessel to which SOLAS applies
Subsection 22.1.1	the ship	the vessel
Subsection 22.1.1	Load Line Convention ship registered in a country other than Australia	foreign vessel to which the Load Lines Convention applies
Subsection 22.1.2	ship registered in a country other than Australia and not being a Load Line Convention ship	foreign vessel to which the Load Lines Convention does not apply
Subsection 22.1.2	a ship	a ship
Subsection 22.1.2	the ship	the ship
Subsection 22.2.1 and 22.2.2	passenger ship	passenger ship
Subsection 22.2.2	the ship	the vessel
Subsection 22.2.2	that ship	that vessel
Subsection 22.2.3	22.2.2	subsection 23.2.2
Paragraph 22.2.3(a)	ship;	vessel;
Subsection 22.2.4	22.2.1 or 22.2.2	subsection 23.2.1 or 23.2.2
Subsection 22.2.4	ship	vessel
Appendix, heading	Appendix	Schedule 1
Appendix, clauses 1 to 8	ship	vessel
Appendix, clauses	Appendix	Schedule

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
1, 2, 6 and 7		
Appendix, subclause 2.4	2.5	subclause 2.5
Appendix, subclause 2.4	2.1	subclause 2.1
Appendix, subclause 2.4	2.2	paragraph 2.2
Appendix, paragraph 2.5(a)	2.4	subclause 2.4
Appendix, subclause 2.6	2.4	subclause 2.4
Appendix, subclause 3.1	3.2	subclauses 3.2
Appendix, subclause 3.1	2.2	paragraph 2.2
Appendix, subclause 3.2	3.1	subclause 3.1
Appendix, subclause 3.3	3.1	subclause 3.1
Appendix, subparagraph 4.1(b)(ii)	(i)	subparagraph (i)
Appendix, paragraph 4.1(c)	(a)	paragraph (a)
Appendix, subclause 4.4	2.2 (b)	paragraph 2.2(b)
Appendix, clause 5	2.2 (a)	paragraph 2.2(a)
Appendix, clauses 6 and 8	Inspections	Inspection and Registration
Appendix, clause 7, heading	ships	vessels
Appendix, subclause 7.2	2.4	subclauses 2.4
Appendix, subclause 8.2	clause	subclause

## Division 2 Consequent modifications

### [19] Renumbering

*for each of the following provisions, renumber and relocate as indicated the provision and renumber each subsection and heading within the provision that includes the number of the provision*

<i>provision</i>	<i>renumber and relocate as</i>
Section 7A	Section 8
Section 8	Section 16
Section 11	Section 17
Section 12	Section 18
Section 13	Section 11
Section 14A	Section 15
Section 14B	Section 15A
Section 14C	Section 15B
Subsection 15.1	Section 19
Subsection 15.2	Section 12
Section 15A	Section 13
Section 15B	Section 13A
Section 15C	Section 13B
Section 16	Section 20
Section 17	Section 21
Section 18	Section 25
Section 21	Section 22
Section 22A	Section 23A
Section 22	Section 23
Section 23	Section 24

## Schedule 8 Marine Orders Part 17, issue 6

(section 3)

### [1] Before section 1

*insert*

#### 1A Name of Order

This Order is *Marine Order 17 (Liquefied gas carriers and chemical tankers) 2006*.

**[2] Section 1, note**

*substitute*

*Note* The text of Chapter VII as at 1 July 2013 is in the SOLAS Consolidated Edition 2009 published by the IMO, as amended by resolution MSC.201(81), Annex 3 of resolution MSC.216(82) and resolution MSC.256(84).

**[3] Subsection 1.2.1**

*substitute*

- 1.2.1 Subsection 98(1) of the Navigation Act provides that the regulations may make provision in relation to safety certificates.
- 1.2.1A Subsection 98(2) of the Navigation Act provides that, without limiting subsection 98(1), the regulations may give effect to SOLAS.
- 1.2.1B Paragraph 340(1)(a) of the Navigation Act also provides that the regulations may give effect to SOLAS.

**[4] After subsection 1.2.3**

*insert*

- 1.2.3A Subsection 112(6) of the Navigation Act provides that the regulations may make provision in relation to the carriage of dangerous goods.

**[5] Section 2**

*substitute*

**2 Definitions**

In this Order:

**BCH Code** means the *Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk* adopted by IMO Resolution MSC.9 (53), as in force from time to time.

**EGC Code** means the *Code for Existing Ships Carrying Liquefied Gases in Bulk* adopted by IMO Resolution A.329 (IX), as in force from time to time.

**GC Code** means the *Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk* adopted by IMO Resolution A.328(IX), as in force from time to time.

**IBC Code** means the *International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk*, the consolidated text of which was adopted by IMO Resolution MSC.176 (79), as in force from time to time.

**IGC Code** means the *International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk* adopted by IMO Resolution MSC.5 (48), as in force from time to time.

**relevant Code**, for a vessel, means whichever of the following applies to the vessel:

- (a) the BCH Code;
- (b) the IBC Code;
- (c) the GC Code;
- (d) the EGC Code;
- (e) the IGC Code.

*Note 1* A copy of each IMO resolution that adopts or amends a Code mentioned in this Order is available on AMSA's website at <http://www.amsa.gov.au>.

*Note 2* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- General Manager, Ship Safety Division
- Manager, Ship Inspection and Registration
- Manager, Ship Operations and Qualifications
- MARPOL
- Navigation Act
- SOLAS.

*Note 3* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- inspector
- master
- recognised organisation.

**[6] Subsection 3.2**

*omit*

**[7] Sections 4 to 8**

*substitute*

**4 Application**

This Order applies to:

- (a) a regulated Australian vessel; and
- (b) a foreign vessel:
  - (i) in an Australian port; or
  - (ii) entering or leaving an Australian port; or
  - (iii) in the internal waters of Australia; or
  - (iv) in the territorial sea of Australia, other than in the course of innocent passage.

**5 Exemptions**

- 5.1 A person may apply, in accordance with the application process mentioned in *Marine Order 1 (Administration) 2011*, for an exemption of a vessel from a requirement of this Order.
- 5.2 The decision maker for the application is the Manager, Ship Inspection and Registration.
- 5.3 The decision maker may give an exemption only if he or she is satisfied that:
  - (a) compliance with the requirement would be unnecessary or unreasonable having regard to the vessel, its equipment and its intended voyage; and
  - (b) giving the exemption would not contravene SOLAS, MARPOL or a Code mentioned in this Order.

*Note* *Marine Order 1 (Administration) 2011* deals with the following matters about exemptions and equivalents:

- making an application
- seeking further information about an application
- the time allowed for consideration of an application
- imposing conditions on approval of an application
- notification of a decision on an application

- review of decisions.

## 5A Equivalentents

- 5A.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for approval to use an equivalent.  
*Note* For definitions of *equivalent* and *use*, see subsection 5A.4.
- 5A.2 The decision maker for the application is the Manager, Ship Inspection and Registration.
- 5A.3 The decision maker may approve use of an equivalent only if:
- he or she is satisfied that use of the equivalent would be at least as effective as compliance with the requirement to which the equivalent is an alternative; and
  - use of the equivalent would not contravene SOLAS, MARPOL or a Code mentioned in this Order.
- 5A.4 For this section:
- equivalent* means:
- a fitting, material, appliance or apparatus that could be fitted or carried in a vessel as an alternative to a fitting, material, appliance or apparatus that a provision of this Order requires to be fitted or carried in the vessel; or
  - an arrangement that could be made, or a procedure that could be followed, in or for a vessel as an alternative to a requirement of this Order.
- use*, of an equivalent, includes:
- fitting or carrying the equivalent in or on a vessel; and
  - making an alternative arrangement or following an alternative procedure.

## 6 Review of decisions

A decision under this Order, other than a decision under section 5 or 5A, is taken to be a reviewable decision for section 18 of *Marine Order 1 (Administration) 2011*.

*Note 1* A decision under section 5 or 5A is also a reviewable decision for *Marine Order 1 (Administration) 2011* because it is mentioned in section 16 of that Order.

*Note 2* Section 313 of the Navigation Act provides for review by the Administrative Appeals Tribunal of decisions under sections 100, 101 and 102 of the Act relating to safety certificates.

## 7 Meaning of *relevant port* in sections 7A and 7B

- 7.1 In sections 7A and 7B:

*relevant port* means:

- for a regulated Australian vessel — any port; or
- for a foreign vessel — a port in Australia.

## 7A Safety certificate to be in force — dangerous chemicals in bulk

- 7A.1 The master of a vessel must not permit dangerous chemicals in bulk to be loaded onto or unloaded from the vessel at a relevant port if an appropriate safety certificate is not in force for the vessel.  
Penalty: 50 penalty units.
- 7A.2 An offence against subsection 7A.1 is a strict liability offence.
- 7A.3 A person is liable to a civil penalty if the person contravenes subsection 7A.1.  
Civil penalty: 50 penalty units.



7A.4 The owner of a vessel must ensure that dangerous chemicals in bulk are not loaded onto or unloaded from the vessel at a relevant port if an appropriate safety certificate is not in force for the vessel.

Penalty: 50 penalty units.

7A.5 An offence against subsection 7A.4 is a strict liability offence.

7A.6 A person is liable to a civil penalty if the person contravenes subsection 7A.4.

Civil penalty: 50 penalty units.

7A.7 In this section:

*appropriate safety certificate* means:

- (a) for a vessel constructed before 1 July 1986 — a valid Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, issued in accordance with the BCH Code; and
- (b) for a vessel constructed after 30 June 1986 — a valid International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, issued in accordance with the IBC Code.

## **7B Safety certificate to be in force — liquefied gases in bulk**

7B.1 The master of a vessel must not permit liquefied gases in bulk to be loaded onto or unloaded from the vessel at a relevant port if an appropriate safety certificate is not in force for the vessel.

Penalty: 50 penalty units.

7B.2 An offence against subsection 7B.1 is a strict liability offence.

7B.3 A person is liable to a civil penalty if the person contravenes subsection 7B.1.

Civil penalty: 50 penalty units.

7B.4 The owner of a vessel must ensure that liquefied gases in bulk are not loaded onto or unloaded from the vessel at a relevant port if an appropriate safety certificate is not in force for the vessel.

Penalty: 50 penalty units.

7B.5 An offence against subsection 7B.4 is a strict liability offence.

7B.6 A person is liable to a civil penalty if the person contravenes subsection 7B.4.

Civil penalty: 50 penalty units.

7B.7 In this section:

*appropriate safety certificate* means:

- (a) for a vessel constructed before 1 July 1986 — either of the following:
  - (i) a valid Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, issued in accordance with the GC Code;
  - (ii) a valid Certificate of Fitness, issued in accordance with the EGC Code; and
- (b) for a vessel constructed after 30 June 1986 — a valid International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, issued in accordance with the IGC Code.

## **8 General provisions about safety certificates**

### **Application for safety certificate**

8.1 For subsection 99(1) of the Navigation Act, the kinds of certificates mentioned in sections 7A and 7B are safety certificates.

### Issue of safety certificates

- 8.2 For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of a safety certificate of a kind mentioned in section 7A or 7B for a regulated Australian vessel are that:
- (a) the vessel has been surveyed in accordance with the relevant Code; and
  - (b) the vessel complies with the relevant Code.

### Duration of safety certificates

- 8.3 For subsection 314(3) of the Navigation Act, a safety certificate of a kind mentioned in section 7A or 7B ceases to be in force at the earliest of:
- (a) the end of the period mentioned in the certificate; or
  - (b) the end of the maximum period mentioned in the relevant Code; or
  - (c) when it is revoked.

### Variation of safety certificates

- 8.4 For subsection 101(1) of the Navigation Act, the criteria for a variation of a safety certificate of a kind mentioned in section 7A or 7B are that:
- (a) a written application for a variation of the certificate is made to the issuing body, stating the nature of variation sought; and
  - (b) the vessel has a valid safety certificate of a kind mentioned in section 7A or 7B; and
  - (c) the vessel complies with the survey requirements of the relevant Code; and
  - (d) the vessel undergoes any additional surveys required by the Manager, Ship Inspection and Registration; and
  - (e) the vessel complies with any conditions imposed by the Manager, Ship Inspection and Registration.

### Revocation of safety certificates

- 8.5 For section 102 of the Navigation Act, the criteria for revocation of a safety certificate of a kind mentioned in section 7A or 7B are that:
- (a) the vessel does not comply with the relevant Code; or
  - (b) the surveys required by the relevant Code are not completed within the periods specified in the relevant Code; or
  - (c) the certificate is not endorsed in accordance with the relevant Code; or
  - (d) the vessel ceases to be registered in Australia.

## **[8] Subsections 9.1 and 9.2**

*substitute*

### **9.1 Vessels to be operated in accordance with relevant Code**

- 9.1 The owner of a vessel to which a relevant Code applies must ensure that the vessel is operated at all times in accordance with the relevant Code.
- Penalty: 50 penalty units.
- 9.2 An offence against subsection 9.1 is a strict liability offence.
- 9.2A A person is liable to a civil penalty if the person contravenes subsection 9.2.
- Civil penalty: 50 penalty units.

9.2B The master of a vessel to which a relevant Code applies must ensure that the vessel is operated at all times in accordance with the relevant Code.

Penalty: 50 penalty units.

9.2C An offence against subsection 9.2B is a strict liability offence.

9.2D A person is liable to a civil penalty if the person contravenes subsection 9.2B.

Civil penalty: 50 penalty units.

### [9] Subsections 9.3.2 and 9.3.3

*substitute*

9.3.2 If an inspector gives a direction under subsection 9.3.1, a person must not resume or commence the loading or unloading operation until the inspector tells the person that the inspector satisfied that the operation is safe and the direction is withdrawn.

Penalty: 50 penalty units.

9.3.3 An offence against subsection 9.3.2 is a strict liability offence.

9.3.4 A person is liable to a civil penalty if the person contravenes subsection 9.3.2.

Civil penalty: 50 penalty units.

### [10] Further amendments

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 1.1	Part of Marine Orders	Order
Subsection 1.1	ships	vessels
Subsection 1.2.2	Section 267P	Paragraph 340(1)(c)
Subsection 1.2.3	Section 257	Paragraph 112(5)(a)
Subsection 1.2.3	ships	vessels
Subsection 1.2.4	425 (1)	339(1)
Subsection 1.2.5	425 (1AA)	342(1)
Subsection 3.1	Part	Order
Subsection 3.1	Inspections	Inspection and Registration
Subsection 9.3, heading	Surveyor	Inspector
Subsection 9.3	a surveyor	an inspector
Subsection 9.3	the surveyor	the inspector
Subsection 9.3.1	Part	Order
Subsection 9.4.1	9.3.1	subsection 9.3.1
Subsection 9.4.1	9.3.2	subsection 9.3.2
Subsection 9.4.2	9.4.1	subsection 9.4.1
Section 9.4	Inspections	Inspection and Registration
Subsection 9.4.1	a surveyor	an inspector
Paragraph 9.4.1(c)	ship	vessel
Subsection 9.4.2	surveyor's	inspector's

## Schedule 9 Marine Orders Part 18, issue 4

(section 3)

### [1] Before section 1

*insert*

### 1A Name of Order

This Order is *Marine Order 18 (Measures to enhance maritime safety) 2009*.

### [2] Subclauses 1.2.1 and 1.2.2

*substitute*

- 1.2.1 Paragraph 98(2)(a) of the Navigation Act provides for regulations to give effect to SOLAS.
- 1.2.2 Subsection 98(3) of the Navigation Act provides for regulations about vessels included in a particular class requiring safety certificates of specified kinds, including certificates relating to survey, construction, machinery and equipment and other matters relating to the survey of vessels.

### [3] Subclause 1.2.4

*substitute*

- 1.2.4 Subsection 342(1) of the Navigation Act provides that AMSA may make orders with respect to any matter for which provision must or may be made by the regulations.

### [4] Section 2

*substitute*

## 2 Definitions

In this Order:

***Continuous Synopsis Record*** means the document issued by AMSA in accordance with Regulation 5 of Chapter XI-1 of SOLAS.

***home port***, for a vessel, has the same meaning as in regulation 2 of the *Shipping Registration Regulations 1981* for a ship.

***official number***, for a registered vessel, has the same meaning as in regulation 2 of the *Shipping Registration Regulations 1981* for a registered ship.

***Registrar of Ships*** means the Registrar or a Deputy Registrar as defined in section 3 of the *Shipping Registration Act 1981*.

*Note 1* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- Australian General Shipping Register
- Australian International Shipping Register
- Manager, Ship Inspection and Registration
- SOLAS.

*Note 2* Other terms used in this Order are defined in the Navigation Act, including:

- inspector
- owner
- regulated Australian vessel.

**[5] Subsection 3.4**

*omit*

**[6] Subsection 4.1**

*substitute*

- 4.1 Subject to subsections 4.2 and 4.3, this Order applies to each of the following vessels:
- (a) a regulated Australian vessel;
  - (b) a foreign vessel:
    - (i) in an Australian port; or
    - (ii) entering or leaving an Australian port; or
    - (iii) in the internal waters of Australia; or
    - (iv) in the territorial sea of Australia, other than in the course of innocent passage.
- 4.1A However, this Order does not apply to:
- (a) a fishing vessel; or
  - (b) a vessel to which SOLAS applies to the extent that the vessel complies with Chapter XI-1 of SOLAS.

**[7] Sections 5 and 6**

*substitute*

**5 Exemptions**

- 5.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for an exemption of a vessel from a requirement of this Order.
- 5.2 The decision maker for the application is the Manager, Ship Inspection and Registration.
- 5.3 The Manager, Ship Inspection and Registration may give an exemption only if he or she is satisfied that:
- (a) compliance with the requirement would be unnecessary or unreasonable having regard to the vessel, its equipment and its intended voyage; and
  - (b) giving the exemption would not contravene SOLAS.

*Note* *Marine Order 1 (Administration) 2011* deals with the following matters about exemptions and equivalents:

- making an application
- seeking further information about an application
- the time allowed for consideration of an application
- imposing conditions on approval of an application
- notification of a decision on an application
- review of decisions.

**6 Equivalents**

- 6.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for approval to use an equivalent.

*Note* For definitions of *equivalent* and *use*, see subsection 6.4.

- 6.2 The decision maker for the application is the Manager, Ship Inspection and Registration.
- 6.3 The Manager, Ship Inspection and Registration may approve use of an equivalent only if he or she is satisfied that:
- (a) use of the equivalent would be at least as effective as compliance with the requirement to which the equivalent is an alternative; and
  - (b) approving use of the equivalent would not contravene SOLAS.
- 6.4 For this provision:
- equivalent*** means:
- (a) a fitting, material, appliance or apparatus that may be fitted or carried in a vessel as an alternative to a fitting, material, appliance or apparatus that a provision of this Order requires to be fitted or carried in a vessel; or
  - (b) an arrangement that could be made or a procedure that could be followed in or for a vessel as an alternative to a requirement of this Order.
- use***, of an equivalent, includes:
- (a) fitting or carrying the equivalent in or on a vessel; and
  - (b) making an alternative arrangement or following an alternative procedure.

**[8] Section 9**

*substitute*

**9 Registered owner identification number**

Regulation 3-1 of Chapter XI-1 of SOLAS has effect in relation to the person with overall general control and management of the vessel and the registered owner of each vessel engaged on overseas voyages.

**[9] Subsection 10.1**

*substitute*

**10.1 Inspection of vessels**

If an inspector considers that the master is, or other seafarers of a vessel in a port in Australia are, not familiar with essential onboard procedures relating to the safety of vessels, the inspector may inspect the vessel.

**[10] Subsection 10.2.3**

*substitute*

- 10.2.3 The master of a vessel must comply with an order under subsection 10.2.1.  
Penalty: 50 penalty units.
- 10.2.4 An offence against subsection 10.2.3 is a strict liability offence.
- 10.2.5 A person is liable to a civil penalty if the person contravenes subsection 10.2.3.  
Civil penalty: 50 penalty units.

**[11] Subsection 11.1**

*substitute*

**11.1 Requirement for Continuous Synopsis Record**

11.1.1 The owner of a regulated Australian vessel must ensure that a Continuous Synopsis Record:

- (a) is kept on board the vessel; and
- (b) is available for inspection at all times; and
- (c) for a vessel constructed before 1 July 2004 — includes the history of the vessel from 1 July 2004.

Penalty: 50 penalty units.

*Note* The Continuous Synopsis Record of a vessel registered overseas is subject to inspection in Australia as part of AMSA's port State control procedures.

11.1.2 An offence against subsection 11.1.1 is a strict liability offence.

11.1.3 A person is liable to a civil penalty if the person contravenes subsection 11.1.1.

Civil penalty: 50 penalty units.

**[12] Subsection 11.3.1**

*substitute*

11.3.1 Subsection 11.3.1A applies if a fact about which there is information in the Continuous Synopsis Record for a regulated Australian vessel changes.

11.3.1A The owner of the vessel must, in writing, tell the Registrar of Ships about any change or addition required to the information in the Continuous Synopsis Record to deal with the change within 14 days after the changes was made.

Penalty: 50 penalty units.

*Note* A form for providing information about changes to the Continuous Synopsis Record is available on the AMSA web site at <http://www.amsa.gov.au>.

11.3.1B An offence against subsection 11.3.1A is a strict liability offence.

11.3.1C A person is liable to a civil penalty if the person contravenes subsection 11.3.1A.

Civil penalty: 50 penalty units

**[13] Subsection 11.3.3**

*substitute*

11.3.3 The owner of a vessel who receives an amended Continuous Synopsis Record must arrange for it to be attached to the superseded Continuous Synopsis Record within 14 days after receiving the amended record.

Penalty: 50 penalty units.

11.3.3A An offence against subsection 11.3.3 is a strict liability offence.

11.3.3B A person is liable to a civil penalty if the person contravenes subsection 11.3.3.

Civil penalty: 50 penalty units.

**[14] Subsection 11.4***substitute***11.4 Vessel ceasing to be registered in Australia**

11.4.1 The owner of a vessel that is no longer to be registered on the Australian General Shipping Register or the Australian International Shipping Register and has been registered on the register of a country other than Australia must, within 14 days after the vessel was registered on the other country's register, tell the Registrar of Ships in writing:

- (a) the name of the new country of registration; and
- (b) if known — the name and registered address of the entity that will operate the vessel under the new flag.

Penalty: 50 penalty units.

11.4.2 An offence against subsection 11.4.1 is a strict liability offence.

11.4.3 A person is liable to a civil penalty if the person contravenes subsection 11.4.1.

Civil penalty: 50 penalty units.

**[15] Further amendments**

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 1.1	Part of Marine Orders	Order
Subsection 1.1	ships	vessels
Subsection 1.1	international	overseas
Subsection 1.2.3	425(1)	339(1)
Section 3	Part	Order
Subsections 3.2, 4.2, 4.3, 10.2.1 and 10.2.2	ship	vessel
Subsection 3.3	Inspections	Inspection and Registration
Subsection 4.2	Part	Order
Subsection 4.2	Provision	section
Subsection 4.3	Provision	Section
Section 7, note	ships	vessels
Sections 8 and 10	ship	vessel
Subsection 10.2, heading	ships	vessels
Subsection 10.2.1	A surveyor	An inspector
Subsection 10.2.1	10.1	subsection 10.1
Subsection 10.2.2	surveyor	inspector
Subsection 11.2.1	the ship	the vessel
Subsections 11.2.2, 11.2.3, 11.3.1, 11.3.2, 11.3.3 and 11.4	ship	vessel
Paragraph 11.2.1(a)	11.2.2	subsection 11.2.2



<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Paragraph 11.2.1(a)	an Australian registered ship	a regulated Australian vessel
Paragraphs 11.2.1(a) and 11.2.2(g)	Company operating	owner of
Subsection 11.2.2, note	download	downloaded
Paragraph 11.2.2(h)	classification societies	recognised organisations
Paragraphs 11.2.2(i) and (j)	organization	organisation
Subsection 11.2.3	11.2.2	subsection 11.2.2
Subsections 11.2.4 and 11.3.2	Registrar of ships	Registrar of Ships
Paragraph 11.3.2(a)	11.3.1	subsection 11.3.1A

## Schedule 10 Marine Orders Part 19, issue 4

(section 3)

### [1] Section 1

*substitute*

#### 1 Name of Order

This Order is *Marine Order 19 (Tonnage measurement) 2003*.

#### 1A Purpose

This Order gives effect to the Tonnage Convention.

#### 1B Power

1B.1 Paragraph 153(1)(a) of the Navigation Act provides that regulations may make provision giving effect to the Tonnage Convention.

1B.2 Subsection 153(2) of the Navigation Act provides that regulations may provide for assigning tonnages to vessels and measuring of tonnage of vessels.

1B.3 Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed, or that are necessary or convenient to be prescribed, for carrying out or giving effect to the Navigation Act.

1B.4 Subsection 342(1) of the Navigation Act provides for the making of orders for anything that can be made by the regulations.

### [2] Section 2, heading

*substitute*

#### 2 Definitions

In this Order:

**[3] Section 2, definitions of AMSA, Australian Register of Ships, Chief Marine Surveyor, General Manager, IMO, MARPOL, passenger certificate, penal provision, Safety Convention, survey authority and Tonnage Measurement Convention**

*omit*

**[4] Section 2, at the foot**

*insert*

*Note 1* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- Australian General Shipping Register
- Australian International Shipping Register
- General Manager, Ship Safety Division
- IMO
- Manager, Ship Inspection and Registration
- SOLAS.

*Note 2* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- recognised organisation
- regulated Australian vessel
- Tonnage Convention.

**[5] Subsection 3.4**

*omit*

**[6] Sections 4 and 5**

*substitute*

**4 Application**

This Order applies to each of the following vessels:

- (a) a vessel to which the Tonnage Convention applies;
- (b) a vessel for which application is made for measurement for tonnage in accordance with this Order;
- (c) a vessel to which section 159 of the Navigation Act applies;
- (d) a vessel to which section 319 of the Navigation Act applies.

**5 Review of decisions**

A decision made under this Order by the Manager, Ship Inspection and Registration is a reviewable decision for section 18 of *Marine Order 1 (Administration) 2011*.

**[7] Subsection 7.1, footnote 5**

*substitute as note to subsection 7.1*

*Note* The tonnage measurement function has generally been delegated to recognised organisations. The Manager, Ship Inspection and Registration may be able to advise on the operation of the function.

**[8] After subsection 7.2.1***insert*

7.2.1A An offence against subsection 7.2.1 is a strict liability offence.

7.2.1B A person is liable to a civil penalty if the person contravenes subsection 7.2.1.

Civil penalty: 50 penalty units.

**[9] After subsection 7.2.3***insert*

7.2.4 An offence against subsection 7.2.3 is a strict liability offence.

7.2.5 A person is liable to a civil penalty if the person contravenes subsection 7.2.3.

Civil penalty: 50 penalty units.

**[10] Subsection 8.1***substitute***Australian Tonnage Certificate**

8.1 A tonnage certificate issued under section 155 of the Navigation Act is to be accordance with the form set out in Schedule 1.

*Note* A tonnage certificate issued for a vessel constructed or adapted for the carriage of oil in bulk will be marked, if appropriate, to indicate the total tonnage of segregated ballast tanks. On request, AMSA will mark a tonnage certificate issued for an open-top container vessel with the reduced gross tonnage obtained by applying the formula set out in IMO Circular TM.5/Circ.4.

**[11] Subsection 8.2.3***omit*

Register of Ships,

*insert*

General Shipping Register or the Australian International Shipping Register,

**[12] Subsection 8.3***substitute***Revocation of tonnage certificates**

8.3 A certificate mentioned in subsection 8.2 that ceases to be valid is taken to be revoked.

**[13] Other amendments**

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 2, definition of <b><i>repealed regulations</i></b>	17 July 1994;	17 July 1994.
Section 2, definition of <b><i>tonnage of a ship</i></b>	ship	vessel
Section 2, definition of <b><i>tonnage of a ship</i></b>	Part	Order
Section 3	Part	Order
Subsection 3.1	Tonnage Measurement	Tonnage

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 3.2	ship	vessel
Subsection 6.1	6.2	subsections 6.2
Subsection 6.1	ship	vessel
Subsection 6.1	Tonnage Measurement	Tonnage
Paragraphs 6.1(a) and (b)	1912	2012
Paragraph 6.1(c)	Part of Marine Orders	Marine Order
Paragraph 6.1(e)	an Australian registered ship,	a vessel to which this Order applies;
Subsection 6.2	ship	vessel
Subsection 6.3	Chief Marine Surveyor	Manager, Ship Inspection and Registration
Subsection 6.3	Tonnage Measurement	Tonnage
Paragraph 6.3(b)	ships	vessels
Subsections 6.4 and 7.1	ship	vessel
Subsection 7.1	survey authority	recognised organisation
Subsection 7.2	ship	vessel
Subsection 7.2	ship's	vessel's
Subsection 7.2.1	Part	Order
Subsection 7.2.1	<u>This is a penal provision</u>	Penalty: 50 penalty units.
Subsection 7.2.1	survey authority	recognised organisation
Subsection 7.2.3	Chief Marine Surveyor	Manager, Ship Inspection and Registration
Subsection 7.2.3	<u>This is a penal provision</u>	Penalty: 50 penalty units.
Subsection 8.2	ship	vessel
Subsections 8.2.1, 8.2.2 and 8.2.3	subparagraph 405F (a)(i) of the <i>Navigation Act 1912</i>	section 155 of the Navigation Act
Subsections 8.2.1 and 8.2.2	Tonnage Measurement	Tonnage
Subsection 8.2.4	subparagraph 405F (a)(ii) or paragraph 405F (b) of the <i>Navigation Act 1912</i>	section 155 of the Navigation Act
Subsection 8.2.5	7.2.1	subsection 7.2.1
Appendix, heading	Appendix	Schedule 1

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Appendix	<i>Orders, Part 19 (Tonnage Measurement)</i>	<i>Order 19 (Tonnage measurement) 2003</i>
Appendix	<i>ship</i>	<i>vessel</i>
Appendix	ship	vessel
Appendix	SHIP	VESSEL
Appendix	19.....	20.....

## Schedule 11 Marine Orders Part 21, issue 8

(section 3)

### [1] Subsection 4.2, table, items 1, 5 and 6

*omit*

### [2] Section 5

*substitute*

#### 5 Power

- 5.1 Subsection 51(1) of the Navigation Act provides for regulations to prescribe matters to consider in determining a minimum complement of seafarers.
- 5.2 Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed or that are necessary or convenient to be prescribed for carrying out or giving effect to the Act.
- 5.3 Paragraph 339(2)(c) of the Navigation Act provides for regulations to be made for operating, maintaining, checking and testing machinery and equipment.
- 5.4 Paragraph 339(2)(f) of the Navigation Act provides for regulations to be made for operating watertight doors.
- 5.5 Paragraph 339(2)(l) of the Navigation Act provides for regulations to be made for logbooks.
- 5.6 Paragraph 339(2)(m) of the Navigation Act provides for regulations to be made for records relating to compliance with the Act.
- 5.7 Paragraph 340(1)(a) of the Navigation Act provide for the regulations to give effect to SOLAS.
- 5.8 Section 342 of the Navigation Act provides for the making of orders for any matter for which the regulations can provide.

### [3] Section 6, definition of *approved*

*substitute*

***approved*** means approved by:

- (a) for a regulated Australian vessel — the issuing body; or
- (b) for a foreign vessel — the administration of the country of registry of the vessel; or
- (c) for a training course — the Manager, Ship Operations and Qualifications.

**[4] Section 6, definition of *STCW Code***

*omit*

**[5] Section 6, note 1**

*omit*

- Marine Order

**[6] Section 6, note 2**

*substitute*

*Note 2* Other terms used in this Order have the same meaning as in the Navigation Act, including:

- AMSA
- Marine Order
- recognised organisation
- STCW Convention.

**[7] Section 6, note 4**

*omit*

**[8] Paragraphs 8(1)(a) and (b)**

*substitute*

- (a) a regulated Australian vessel;
- (b) a foreign vessel that is:
- (i) in an Australian port; or
  - (ii) entering or leaving an Australian port; or
  - (iii) in the internal waters of Australia; or
  - (iv) in the territorial sea of Australia other than in the course of innocent passage.

**[9] Subsection 8.3**

*substitute*

8.3 A provision of this Order giving effect to a provision of Chapter V of SOLAS applies to the following vessels, except to the extent that a law of a State or the Northern Territory gives effect to the provision for the vessel:

- (a) a vessel proceeding on a voyage other than an overseas voyage;
- (b) a domestic commercial vessel.

**[10] Section 11**

*substitute*

**11 Review of decisions**

A decision under this Order other than section 10 is taken to be a reviewable decision for section 18 of *Marine Order 1 (Administration) 2011*.

*Note* For review of decisions by the Administrative Appeals Tribunal made under the Navigation Act — see section 313 of the Navigation Act.

**[11] Section 13**

*omit*

**[12] After section 14**

*insert*

- 14.2 An offence against subsection 14.1 is a strict liability offence.
- 14.3 A person is liable to a civil penalty if the person contravenes subsection 14.1.  
Civil penalty: 50 penalty units.

**[13] Section 15**

*substitute*

**15 Manning of vessels**

- 15.1 For subsection 51(2) of the Navigation Act, AMSA must have regard to IMO Resolution A.1047 (27) *Principles of minimum safe manning*.
- 15.2 For paragraph 340(1)(a) of the Navigation Act, the owner of a vessel to which Regulation 14 of Chapter V of SOLAS applies must ensure that the safe manning document for the vessel is kept on board the vessel and is available for inspection.  
Penalty: 50 penalty units.
- 15.3 An offence against subsection 15.2 is a strict liability offence.
- 15.4 A person is liable to a civil penalty if the person contravenes subsection 15.2.  
Civil penalty: 50 penalty units.
- 15.5 For paragraph 340(1)(a) of the Navigation Act, the owner of a vessel to which Regulation 14 of Chapter V of SOLAS applies must:
- (a) determine the working language of the vessel; and
  - (b) ensure that paragraph 3 of Regulation 14 of Chapter V of SOLAS is complied with.
- Penalty: 50 penalty units.
- 15.6 An offence against subsection 15.5 is a strict liability offence.
- 15.7 A person is liable to a civil penalty if the person contravenes subsection 15.5.  
Civil penalty: 50 penalty units.
- 15.8 In this section:  
***safe manning document*** means:
- (a) a determination made under subsection 51(1) of the Navigation Act; or
  - (b) a minimum safe manning document or equivalent mentioned in Regulation 14 of Chapter V of SOLAS.

**[14] After subsection 17.2**

*insert*

- 17.2A An offence against subsection 17.2 is a strict liability offence.
- 17.2B A person is liable to a civil penalty if the person contravenes subsection 17.2.  
Civil penalty: 50 penalty units.

**[15] After subsection 18.2**

*insert*

- 18.3 An offence against subsection 18.1 or 18.2 is a strict liability offence.

18.4 A person is liable to a civil penalty if the person contravenes subsection 18.1 or 18.2.

Civil penalty: 50 penalty units.

**[16] After subsection 19.1**

*insert*

19.1A An offence against subsection 19.1 is a strict liability offence.

19.1B A person is liable to a civil penalty if the person contravenes subsection 19.1.

Civil penalty: 50 penalty units.

**[17] After subsection 20.3**

*insert*

20.4 An offence against subsection 20.2 or 20.3 is a strict liability offence.

20.5 A person is liable to a civil penalty if the person contravenes subsection 20.2 or 20.3.

Civil penalty: 50 penalty units.

**[18] After subsection 24.2**

*insert*

24.3 An offence against subsection 24.1 or 24.2 is a strict liability offence.

24.4 A person is liable to a civil penalty if the person contravenes subsection 24.1 or 24.2.

Civil penalty: 50 penalty units.

**[19] After subsection 25.4**

*insert*

25.5 An offence against subsection 25.1, 25.2 or 25.4 is a strict liability offence.

25.6 A person is liable to a civil penalty if the person contravenes subsection 25.1, 25.2 or 25.4.

Civil penalty: 50 penalty units.

**[20] After subsection 28.7**

*insert*

28.8 An offence against subsection 28.1, 28.6 or 28.7 is a strict liability offence.

28.9 A person is liable to a civil penalty if the person contravenes subsection 28.1, 28.6 or 28.7.

Civil penalty: 50 penalty units.

**[21] After section 31**

*insert*

31.2 An offence against subsection 31.1 is a strict liability offence.

31.3 A person is liable to a civil penalty if the person contravenes subsection 31.1.

Civil penalty: 50 penalty units.

**[22] After subsection 34.3**

*insert*

34.4 An offence against subsection 34.3 is a strict liability offence.



- 34.5 A person is liable to a civil penalty if the person contravenes subsection 34.3.  
Civil penalty: 50 penalty units.

**[23] After subsection 36.1**

*insert*

- 36.1A An offence against subsection 36.1 is a strict liability offence.  
36.1B A person is liable to a civil penalty if the person contravenes subsection 36.1.  
Civil penalty: 50 penalty units.

**[24] After subsection 37.2**

*insert*

- 37.3 An offence against subsection 37.1 or 37.2 is a strict liability offence.  
37.4 A person is liable to a civil penalty if the person contravenes subsection 37.1 or 37.2.  
Civil penalty: 50 penalty units.

**[25] Section 39**

*omit*

This is a penal provision.

**[26] After subsection 40.2**

*insert*

- 40.2A An offence against subsection 40.2 is a strict liability offence.  
40.2B A person is liable to a civil penalty if the person contravenes subsection 40.2.  
Civil penalty: 50 penalty units.

**[27] After subsection 41.3**

*insert*

- 41.4 An offence against subsection 41.2 or 41.3 is a strict liability offence.  
41.5 A person is liable to a civil penalty if the person contravenes subsection 41.2 or 41.3.  
Civil penalty: 50 penalty units.

**[28] After section 44**

*insert*

- 44.2 An offence against subsection 44.1 is a strict liability offence.  
44.3 A person is liable to a civil penalty if the person contravenes subsection 44.1.  
Civil penalty: 50 penalty units.

**[29] After section 46**

*insert*

- 46.2 An offence against subsection 46.1 is a strict liability offence.  
46.3 A person is liable to a civil penalty if the person contravenes subsection 46.1.  
Civil penalty: 50 penalty units.

**[30] After subsection 47.3**

*insert*

47.4 An offence against subsection 47.1, 47.2 or 47.3 is a strict liability offence.

47.5 A person is liable to a civil penalty if the person contravenes subsection 47.1, 47.2 or 47.3.

Civil penalty: 50 penalty units.

**[31] After subsection 48.1**

*insert*

48.1A An offence against subsection 48.1 is a strict liability offence.

48.1B A person is liable to a civil penalty if the person contravenes subsection 48.1.

Civil penalty: 50 penalty units.

**[32] After subsection 49.2**

*insert*

49.3 An offence against subsection 49.2 is a strict liability offence.

49.4 A person is liable to a civil penalty if the person contravenes subsection 49.2.

Civil penalty: 50 penalty units.

**[33] After subsection 50.4**

*insert*

50.5 An offence against subsection 50.1, 50.2, 50.3 or 50.4 is a strict liability offence.

50.6 A person is liable to a civil penalty if the person contravenes subsection 50.1, 50.2, 50.3 or 50.4.

Civil penalty: 50 penalty units.

**[34] After section 51**

*insert*

51.2 An offence against subsection 51.1 is a strict liability offence.

51.3 A person is liable to a civil penalty if the person contravenes subsection 51.1.

Civil penalty: 50 penalty units.

**[35] Subsections 55.5, 55.6 and 55.7**

*omit*

This is a penal provision.

**[36] After subsection 56.1**

*insert*

56.1A An offence against subsection 56.1 is a strict liability offence.

56.2A A person is liable to a civil penalty if the person contravenes subsection 56.1.

Civil penalty: 50 penalty units.

**[37] After subsection 57.3**

*insert*

57.3A An offence against subsection 57.1 or 57.3 is a strict liability offence.

57.3B A person is liable to a civil penalty if the person contravenes subsection 57.1 or 57.3.

Civil penalty: 50 penalty units.

**[38] After subsection 58.3**

*insert*

58.4 An offence against subsection 58.1 or 58.3 is a strict liability offence.

58.5 A person is liable to a civil penalty if the person contravenes subsection 58.1 or 58.3.

Civil penalty: 50 penalty units.

**[39] After subsection 59.3**

*insert*

59.4 An offence against subsection 59.3 is a strict liability offence.

59.5 A person is liable to a civil penalty if the person contravenes subsection 59.3.

Civil penalty: 50 penalty units.

**[40] After subsection 60.2**

*insert*

60.2A An offence against subsection 60.1 or 60.2 is a strict liability offence.

60.2B A person is liable to a civil penalty if the person contravenes subsection 60.1 or 60.2.

Civil penalty: 50 penalty units.

**[41] After subsection 61.6**

*insert*

61.7 An offence against subsection 61.1, 61.2 or 61.6 is a strict liability offence.

61.8 A person is liable to a civil penalty if the person contravenes subsection 61.1, 61.2 or 61.6.

Civil penalty: 50 penalty units.

**[42] After subsection 62.2**

*insert*

62.3 An offence against subsection 62.1 or 62.2 is a strict liability offence.

62.3 A person is liable to a civil penalty if the person contravenes subsection 62.1 or 62.2.

Civil penalty: 50 penalty units.

**[43] After section 63**

*insert*

63.2 An offence against subsection 63.1 is a strict liability offence.

63.3 A person is liable to a civil penalty if the person contravenes subsection 63.1.

Civil penalty: 50 penalty units.

**[44] After subsection 64.3**

*insert*

64.3A An offence against subsection 64.2 or 64.3 is a strict liability offence.

64.3B A person is liable to a civil penalty if the person contravenes subsection 64.2 or 64.3.

Civil penalty: 50 penalty units.

**[45] After subsection 65.2**

*insert*

65.3 An offence against subsection 65.1 or 65.2 is a strict liability offence.

65.4 A person is liable to a civil penalty if the person contravenes subsection 65.1 or 65.2.

Civil penalty: 50 penalty units.

**[46] After section 66.2**

*insert*

66.3 An offence against subsection 66.2 is a strict liability offence.

66.4 A person is liable to a civil penalty if the person contravenes subsection 66.2.

Civil penalty: 50 penalty units.

**[47] After section 67.5**

*insert*

67.6 An offence against subsection 67.5 is a strict liability offence.

67.7 A person is liable to a civil penalty if the person contravenes subsection 67.5.

Civil penalty: 50 penalty units.

**[48] After subsection 68.3**

*insert*

68.4 An offence against subsection 68.2 or 68.3 is a strict liability offence.

68.5 A person is liable to a civil penalty if the person contravenes subsection 68.2 or 68.3.

Civil penalty: 50 penalty units.

**[49] After section 69**

*insert*

69.2 An offence against subsection 69.1 is a strict liability offence.

69.3 A person is liable to a civil penalty if the person contravenes subsection 69.1.

Civil penalty: 50 penalty units.

**[50] Other amendments**

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 1	21, issue 8	21 (Safety of navigation and emergency procedures) 2012
Subsection 4.2	Section 232	Subparagraph 339(2)(b)(iii) and paragraph 339(2)(c)
Subsection 4.2	Equipping ships with compasses, and examination and adjustment of compasses on ships	Compasses and the examination and adjustment of compasses on vessels

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 4.2	235	125
Subsection 4.2	269A(1)	187(1)
Section 6, definition of <b><i>closing appliance</i></b>	ship	vessel
Section 6, definition of <b><i>coast radio station</i></b>	ships	vessels
Section 6, definitions of <b><i>radio station</i></b> and <b><i>ship radio station</i></b>	ship	vessel
Section 6, definition of <b><i>signal station</i></b>	ships	vessels
Section 6, definitions of <b><i>survival craft</i></b> and <b><i>tanker</i></b>	ship	vessel
Section 6, note 1	<i>(Administration)</i>	<i>(Administration) 2011</i>
Section 6, note 1	<ul style="list-style-type: none"> <li>• AMSA</li> </ul>	<ul style="list-style-type: none"> <li>• Australian fishing vessel</li> </ul>
Subsection 8.1	ships	vessels
Subsection 8.2	Safety Convention ship registered in a country other than Australia	foreign vessel to which SOLAS applies
Subsection 8.4	ships	vessels
Subsection 9.1	<i>Orders Part 21, issue 7</i>	<i>Order 21 (Safety of navigation and emergency procedures) 2012</i>
Subsection 10.1	<i>(Administration)</i>	<i>(Administration) 2011</i>
Subsection 10.2	ship or class of ships	vessel or class of vessels
Subsection 10.4	ship	vessel
Subsection 10.4, note	<i>(Administration)</i>	<i>(Administration) 2011</i>
Section 12	ship	vessel
Section 14	The	14.1 The
Section 14	ship	vessel
Section 14	This is a penal provision.	Penalty: 50 penalty units.
Sections 16 and 17	ship	vessel
Section 17	This is a penal provision.	Penalty: 50 penalty units.
Section 18	ship	vessel
Section 18	This is a penal provision.	Penalty: 50 penalty units.
Section 19	ship	vessel

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 19.1	This is a penal provision.	Penalty: 50 penalty units.
Subsections 19.2 and 19.3	ship's	vessel's
Subsection 19.3	A surveyor	An inspector
Paragraph 19.3(b)	surveyor	inspector
Section 20	ship	vessel
Subsection 20.2 and 20.3	This is a penal provision.	Penalty: 50 penalty units.
Section 21	ship	vessel
Paragraph 21.4(a)	an approved surveyor	the issuing body
Sections 22, 23 and 24	ship	vessel
Subsections 24.1 and 24.2	This is a penal provision.	Penalty: 50 penalty units.
Section 25	ship	vessel
Section 25	This is a penal provision.	Penalty: 50 penalty units.
Subsection 25.3	A surveyor	An inspector
Section 26	ship	vessel
Section 26	ship's	vessel's
Sections 27 and 28	ship	vessel
Section 28	ship's	vessel's
Section 28	This is a penal provision.	Penalty: 50 penalty units.
Subsection 28.1	crew	seafarers
Subsection 28.2	ships	vessels
Section 29, 30 and 31	ship	vessel
Subparagraph 29.2(b)(iii)	ship's	vessel's
Subsection 29.5	sections	subsections
Section 31	The	31.1 The
Section 31	This is a penal provision.	Penalty: 50 penalty units.
Section 32	ship	vessel
Section 33	ship	vessel
Section 33 and 34	ships	vessels
Subsection 33.1	<i>(Administration)</i>	<i>(Administration) 2011</i>
Section 34	Cancellation	Revocation
Section 34	cancel	revoke
Section 34	cancel	revokes

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 34	cancellation	revocation
Section 34	cancelled	revoked
Subsection 34.3	This is a penal provision.	Penalty: 50 penalty units.
Section 35	paragraph 269A(1)(b)	subparagraph 187(1)(b)(ii)
Sections 35 and 36	ship	vessel
Subsection 36.1	This is a penal provision.	Penalty: 50 penalty units.
Paragraph 36.3(a)	paragraph	subsection
Section 37	ship	vessel
Section 37	This is a penal provision.	Penalty: 50 penalty units.
Sections 39 and 40	ship	vessel
Subsection 40.1	For subsection 229(1) of the Navigation Act, the	The
Subsection 40.2	This is a penal provision.	Penalty: 50 penalty units.
Sections 41 and 42	ship	vessel
Section 41	This is a penal provision.	Penalty: 50 penalty units.
Section 43	For subsection 229(1) of the Navigation Act, the	The
Section 43	<i>Orders, Part 30 (Prevention of Collisions)</i>	<i>Order 30 (Prevention of collisions) 2009</i>
Section 44	A	44.1 A
Section 44	This is a penal provision.	Penalty: 50 penalty units.
Sections 45, 46, 47 and 48	ship	vessel
Paragraph 45(c)	ship's	vessel's
Section 46	The	46.1 The
Section 46	This is a penal provision.	Penalty: 50 penalty units.
Section 47	This is a penal provision.	Penalty: 50 penalty units.
Subsection 48.1	This is a penal provision.	Penalty: 50 penalty units.
Paragraph 48(2)(b)	ships	vessels
Section 49	ship	vessel
Subsection 49.2	This is a penal provision.	Penalty: 50 penalty units.
Section 50	ship	vessel
Section 50	This is a penal provision.	Penalty: 50 penalty units.
Section 51	The	51.1 The
Section 51	ship	vessel
Section 51	This is a penal provision.	Penalty: 50 penalty units.

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 52	crew	seafarers
Section 52	ship	vessel
Section 52	ship's	vessel's
Section 53	ship's	vessel's
Subsection 53.2	a ship	a vessel
Subsection 53.2	crew	seafarers
Subsection 53.3	ship	vessel
Paragraph 53.3(c)	crew members	seafarers
Subsection 54.1	a ship	a vessel
Subsection 54.2	the ship	the vessel
Section 55	ship	vessel
Subsection 55.3	ship's	vessel's
Subsection 55.5	<i>(Equipment — life-saving)</i>	<i>(Equipment — life-saving) 2009</i>
Subsection 55.6	crew	seafarers
Subsection 55.7	crew carries	seafarers carry
Section 56	ship	vessel
Subsection 56.1	This is a penal provision.	Penalty: 50 penalty units.
Paragraph 56.4(a)	crew member	seafarer
Subsection 56.5	crew members	seafarers
Subsection 56.6	crew	seafarers
Section 57, heading	owner, master and crew	owner and seafarers
Section 57	ship	vessel
Section 57	ship's	vessel's
Subsection 57.1	This is a penal provision.	Penalty: 50 penalty units.
Subsection 57.2	crew members	seafarers
Paragraph 57.2(c)	crew member for the crew member's	seafarer for the seafarer's
Subsection 57.3	This is a penal provision.	Penalty: 50 penalty units.
Paragraph 57.3(b)	members of the crew	seafarers
Subsection 57.4	member of a ship's crew	seafarer
Subdivision 7.1, heading	ships	vessels
Section 58	ship	vessel
Subsection 58.1	This is a penal provision.	Penalty: 50 penalty units.
Subsection 58.3	This is a penal provision.	Penalty: 50 penalty units.



<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 59	ship	vessel
Subsection 59.3	This is a penal provision.	Penalty: 50 penalty units.
Section 60	ship	vessel
Subsection 60.1	This is a penal provision.	Penalty: 50 penalty units.
Section 61	ship	vessel
Subsections 61.1, 61.2 and 61.6	This is a penal provision.	Penalty: 50 penalty units.
Subsection 62.1	ship	vessel
Subsections 62.1 and 62.2	This is a penal provision.	Penalty: 50 penalty units.
Section 63	ship	vessel
Section 63	The	63.1 The
Section 63	This is a penal provision.	Penalty: 50 penalty units.
Section 64	ship	vessel
Subsections 64.2 and 64.3	This is a penal provision.	Penalty: 50 penalty units.
Section 65	ship	vessel
Subsections 65.1 and 65.2	This is a penal provision.	Penalty: 50 penalty units.
Section 66	ship	vessel
Subsection 66.2	This is a penal provision.	Penalty: 50 penalty units.
Section 67	ship	vessel
Subsection 67.5	This is a penal provision.	Penalty: 50 penalty units.
Section 68	ship	vessel
Subsections 68.2 and 68.3	This is a penal provision.	Penalty: 50 penalty units.
Section 69	An	69.1 An
Section 69	ship	vessel
Section 69	ships	vessels
Paragraph 69(d)	an Australian ship	a regulated Australian vessel
Paragraph 69(d)	crew	seafarers
Section 69	This is a penal provision.	Penalty: 50 penalty units.
Schedules 1 and 2	ship's	vessel's
Schedule 2	ship	vessel
Schedule 4, subclauses 1.1 and 1.4	crew member	seafarer

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Schedule 4, subclauses 1.6	member of the crew	seafarer
Schedule 4, subclauses 1.6 and 1.7	ship	vessel
Schedule 4, subclause 1.7	ships	vessels
Schedule 4, subclause 1.7	crew	seafarers
Schedule 4, subclause 2.1	ship's	vessel's
Schedule 4, clauses 3 and 4	ship	vessel
Schedule 4, subclause 3.7	crew	seafarers
Schedule 4, paragraph 4.2(a)	ship's	vessel's
Schedule 4, clauses 5 and 6	ship	vessel
Schedule 4, paragraph 5(c)	member of the crew	seafarer
Schedule 4, paragraphs 5(f) and (g)	crew	seafarers
Schedule 4, paragraph 5(h)	members of the crew	seafarers
Schedule 4, paragraph 5(i)	crew	seafarer
Schedule 4, clauses 6 and 7	ship's	vessel's
Schedule 4, paragraph 6(b)	crew members	seafarers
Schedule 4, paragraph 6(e)	members of the crew	seafarers
Schedule 4, clauses 7 and 8	ship	vessel
Schedule 4, clause 8	ships	vessels
Schedule 4, subclause 8.1	crew	seafarers
Schedule 4, subclause 8.2	<i>Orders, Part 57 (Helicopter operations)</i>	<i>Order 57 (Helicopter operations) 2010</i>
Schedule 5	ship's	vessel's

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Schedule 5	ship	vessel
Schedule 5	crew	seafarers
Schedule 5	CREW MEMBER	SEAFARER
Schedule 6, heading	Crew	Seafarer
Schedule 6	Crew member	Seafarer
Schedule 6	ship's	vessel's
Schedule 7, paragraph 1.1(a)	ship	vessel
Schedule 7, subclause 1.1, note	ships	vessels
Schedule 7, subclause 2.6	ship	vessel
Schedule 8, heading	ships	vessels
Schedule 8, clause 1	ship	vessel
Schedule 8, clause 1	ships	vessels
Schedule 8, clause 1	ship's	vessel's
Schedule 8, subclause 1.8	a surveyor	an inspector
Schedule 8, clauses 2 and 3	ship	vessel
Schedule 8, paragraph 2.1(g)	ship's	vessel's
Schedule 8, subclause 3.10	ship that is not registered in Australia	foreign vessel
Schedule 8, subclause 3.10	a surveyor	an inspector
Schedule 8, subclause 3.10	the surveyor	the inspector
Schedule 8, clauses 4 and 5	ship	vessel
Schedule 9, heading, reference	section 68	section 69
Schedule 9, subclause 1.1	ships	vessels
Schedule 9, subclause 1.1	ship	vessel
Schedule 9, subclause 2.1	ships	vessels
Schedule 9,	ship	vessel

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
subclause 2.2		
Schedule 9, subclause 3.1	ships	vessels
Schedule 9, subclause 3.1	ship	vessel
Schedule 9, clause 6	ship	vessel

## Schedule 12 Marine Orders Part 25, issue 7

(section 3)

### [1] Sections 1A and 1

*substitute*

#### 1 Name of Order

This Order is *Marine Order 25 (Equipment — lifesaving) 2009*.

#### 1A Purpose

This Order:

- (a) gives effect to Chapter III of SOLAS including the LSA Code; and
- (b) prescribes matters for paragraphs 339(2)(b) and (g) of the Navigation Act.

#### 1B Power

- 1.2.1 Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to the Act.
- 1.2.2 Paragraph 339(2)(b) of the Navigation Act provides that the regulations may provide for the machinery and equipment to be carried on board vessels for sending or receiving distress, urgency and other signals.
- 1.2.3 Paragraph 339(2)(g) of the Navigation Act provides that the regulations may provide for the equipment to be carried on board vessels and the measures to be carried out, for the purpose of saving life at sea.
- 1.2.4 Paragraph 340(1)(a) of the Navigation Act provides that the regulations may give effect to SOLAS.
- 1.2.5 Subsection 342(1) of the Navigation Act provides that AMSA may make orders for any matter for which regulations may provide.

### [2] Section 2, definition of *length*

*omit*

### [3] Section 2, definition of *LSA Code*

*substitute*

**LSA Code** means the *International Life-Saving Appliance Code* adopted by IMO Resolution MSC.48 (66), as in force from time to time.

*Note* A copy of each IMO resolution that adopts or amends this Code is available on AMSA's website at <http://www.amsa.gov.au>.

**[4] Section 2, definition of *surveyor***

*omit*

**[5] Section 2, note**

*substitute*

*Note 1* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- cargo vessel
- IMO
- length
- Manager, Ship Inspection and Registration
- Manager, Ship Operations and Qualifications
- Navigation Act
- passenger vessel
- recognised organisation
- SOLAS
- USL Code.

*Note 2* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- foreign vessel
- inspector
- regulated Australian vessel
- seafarer.

**[6] Section 4**

*substitute*

**4 Application**

- 4.1 This Order applies to the following vessels:
- (a) a regulated Australian vessel;
  - (b) a foreign vessel:
    - (i) in an Australian port; or
    - (ii) entering or leaving an Australian port; or
    - (iii) in the internal waters of Australia; or
    - (iv) in the territorial sea of Australia, other than in the course of innocent passage.
- 4.2 However, this Order applies to a foreign vessel that is a vessel to which SOLAS applies only to the extent that the vessel fails to comply with Chapter III of SOLAS.
- 4.3 A cargo vessel that is converted to a passenger vessel is taken to be a passenger vessel constructed on the date when the conversion commences.
- 4.4 If a provision of this Order requires or permits the appliances, equipment or arrangements of a vessel to comply with the USL Code, 1 or more requirements of this Order may be replaced by the corresponding requirements of the USL Code.
- 4.5 If a vessel is certified in accordance with a Code mentioned in *Marine Order 49 (High speed craft) 2009* or the Code mentioned in *Marine Order 50 (Special*

*purpose vessels) 2012*, and a provision of the Code is inconsistent with a provision of this Order, the provision of the Code prevails to the extent of the inconsistency.

**[7] After subsection 6.2**

*insert*

**Decision making criteria**

- 6.3 The Manager, Ship Inspection and Registration may approve use of an equivalent only if he or she is satisfied that:
- (a) use of the equivalent would be at least as effective as compliance with the requirement to which the equivalent is an alternative; and
  - (b) approving use of the equivalent would not contravene SOLAS.

**Meaning of *equivalent* and *use* of an equivalent**

6.4 In this section:

*equivalent* means:

- (a) a fitting, material, appliance or apparatus that may be fitted or carried in a vessel as an alternative to a fitting, material, appliance or apparatus that a provision of this Order requires to be fitted or carried in a vessel; or
- (b) an arrangement that could be made or a procedure that could be followed in or for a vessel as an alternative to a requirement of this Order.

*use*, of an equivalent, includes:

- (a) fitting or carrying the equivalent in or on a vessel; and
- (b) making an alternative arrangement or following an alternative procedure.

**[8] Subsection 9.1**

*omit*

This is a penal provision.

*insert*

Penalty: 50 penalty units.

- 9.1A An offence against subsection 9.1 is a strict liability offence.
- 9.1B A person is liable to a civil penalty if the person contravenes subsection 9.1.
- Civil penalty: 50 penalty units.

**[9] Subsections 9.2 and 9.3**

*omit*

This is a penal provision.

*Note* For *engage in conduct*, see Navigation Act, s 6.

*insert*

Penalty: 50 penalty units.

*Note* For *engage in conduct* — see *Criminal Code*, s 4.1.

- 9.2A An offence against subsection 9.2 is a strict liability offence.
- 9.2B A person is liable to a civil penalty if the person contravenes subsection 9.2.
- Civil penalty: 50 penalty units.

9.3 In this section:

*proper use*, of a life-saving appliance or item of life-saving equipment, means:

- (a) use in an emergency; or
- (b) use for training for an emergency; or
- (c) maintenance or testing of the appliance or item of equipment.

**[10] Subsection 12.4**

*omit*

crew

**[11] Schedule 1 heading**

*substitute*

**Schedule 1 Additional requirements for passenger vessels and cargo vessels — regulated Australian vessels**

(subsection 11.3)

**[12] Further amendments**

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 2	ship	vessel
Section 2, definition of <i>approved</i>	survey authority	recognised organisation
Section 3	ship	vessel
Subsection 3.4	provision	subsection
Subsection 3.6	survey authority	recognised organisation
Section 5	ship	vessel
Section 5	<i>(Administration)</i>	<i>(Administration) 2011</i>
Subsection 5.3, note	exemptions	exemptions and equivalents
Subsection 6.1	<i>(Administration)</i>	<i>(Administration) 2011</i>
Subsection 6.1, note	provision	subsection
Section 7	Marine Orders, Part 25, Issue 6	issue 6 of this Order
Section 7	ship	vessel
Section 7	ships	vessels
Subsections 7.3.1 and 7.3.2	provision	subsection
Sections 8 and 9	ship	vessel
Section 9	ship's	vessel's
Section 10	ship	vessel
Section 10	survey authority	recognised organisation

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 10.2	provision	subsection
Subsection 10.2	a surveyor	an inspector
Subsection 10.3.1	Manager, Ship Inspections	Manager, Ship Inspection and Registration
Section 11, heading	ships	vessels
Subsection 11.1	section 215	paragraph 339(2)(g)
Subsections 11.1 and 11.4	ship	vessel
Subsections 11.1 and 11.2	provision	subsection
Subsection 11.3	an Australian registered ship	a regulated Australian vessel
Section 12	ship	vessel
Section 12	ships	vessels
Section 12	ship's	vessel's
Subsection 12.1.0	provision	section
Paragraph 12.1.2(a)	provision	subsection
Subparagraph 12.1.2(b)(ii)	provision	paragraph
Subsection 12.1.3(a)	provision	subsection
Subsection 12.3.2	provision	subsection
Subsection 12.3.2	crew members	seafarers
Subsection 12.7	crew	seafarers
Subsection 12.8.2	provision	subsection
Paragraph 12.8.3(a)	crew member	seafarer
Paragraph 12.8.4(b)	crew member	seafarer
Subsection 12.10	provisions	subsections
Subsection 12.10	survey authority	recognised organisation
Subsection 12.11.1A	provision	subsection
Section 13	provision	section
Section 13	ship	vessel
Schedule 1	ship	vessel
Schedule 1	ship's	vessel's
Schedule 1, clause 1	ships and cargo ships that are registered in Australia	vessels and cargo vessels that are regulated Australian vessels



<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Schedule 1, clause 3, heading	<b>Requirements relevant to Chapter III Regulations</b>	<b>Requirements for Regulations under Chapter III</b>
Schedule 1, clause 3	<b>SOLAS Chapter III</b>	<b>SOLAS, Chapter III</b>
Schedule 1, paragraph 3.4.1(a)	member of the crew	seafarer
Schedule 1, paragraph 3.4.1(a), note	All crew	Seafarers
Schedule 1, subclause 4.2.1, note 1	provision	section
Schedule 1, subclause 4.2.2	clause	subclause
Schedule 1, subclause 4.2.3	international	overseas
Schedule 1, subclause 4.2.3	clause	subclause
Schedule 1, subclause 4.3.2	clause	subclause
Schedule 1, subclause 4.3.4	survey authority	recognised organisation
Schedule 2, subclause 1.1.1	an Australian ship	a regulated Australian vessel
Schedule 2, subclause 1.1.2, note	provision	subclause

## Schedule 13 Marine Orders Part 27, issue 4

(section 3)

### [1] Before section 1

*insert*

#### 1A Name of Order

This Order is *Marine Order 27 (Radio equipment) 2009*.

### [2] Subsection 1.1

*substitute*

#### 1.1 Purpose

This Order:

- (a) gives effect to Chapter IV of SOLAS that deals with the provision, maintenance and use of radio equipment on board vessels; and

(b) provides for seafarers to have GMDSS qualifications.

*Note* For the current text of Chapter IV of SOLAS — see *SOLAS Consolidated Edition 2011*, published by the IMO.

**[3] Subsections 1.2.1 and 1.2.2**

*substitute*

- 1.2.1 Subsection 51(2) of the Navigation Act provides for regulations about matters to which AMSA must have regard when making a determination under subsection 51(1) of the Navigation Act about the master, officers or seafarers to be carried by a vessel who must hold specified seafarer certificates.
- 1.2.2 Subparagraph 339(2)(b)(ii) of the Navigation Act provides for regulations about radio installations, radio navigational aids and communications equipment to be carried on board vessels.
- 1.2.2A Paragraph 340(1)(a) of the Navigation Act provide for regulations to give effect to SOLAS.
- 1.2.2B Paragraph 339(2)(c) of the Navigation Act provides for regulations about the operation, maintenance, checking and testing of equipment.
- 1.2.2C Paragraph 339(2)(l) of the Navigation Act provides for regulations about logbooks.

**[4] Section 2, heading**

*substitute*

**2 Definitions**

In this Order:

**[5] Section 2, definitions of *AMSA, Deputy CEO, IMO, Manager, Ship Inspections, Manager, Ship Operations and Qualifications, Navigation Act and non-SOLAS ship***

*omit*

**[6] Section 2, definition of *Radio Regulations***

*substitute*

***Radio Regulations*** has the same meaning as in Regulation 2.11 of Chapter IV of SOLAS.

*Note* The text of the Radio Regulations is available at the International Telecommunications Union website: <http://www.itu.int>.

**[7] Section 2, definitions of *SOLAS, SOLAS ship, STCW Code, STCW Convention and survey authority***

*omit*

**[8] Section 2, note**

*substitute*

*Note 1* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- Manager, Ship Inspection and Registration
- SOLAS
- STCW Code.

*Note 2* Other terms used in this Order are defined in the Navigation Act, including:

- inspector
- owner
- recognised organisation
- regulated Australian vessel
- STCW Convention.

**[9] Subsection 3.5**

*omit*

**[10] Subsections 4.1 and 4.2**

*substitute*

4.1 This Order applies to each of the following vessels:

- (a) a regulated Australian vessel;
- (b) a foreign vessel:
  - (i) in an Australian port; or
  - (ii) entering or leaving an Australian port; or
  - (iii) in the internal waters of Australia; or
  - (iv) in the territorial sea of Australia, other than in the course of innocent passage.

4.2 This Order applies to a foreign vessel that is a vessel to which Chapter IV of SOLAS applies only to the extent that the vessel fails to comply with SOLAS.

**[11] Section 5, heading**

*substitute*

**5 Exemptions**

**[12] After subsection 5.1**

*insert*

5.1A A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for an exemption of a vessel from a requirement of this Order.

5.1B The decision maker for the application is the Manager, Ship Inspection and Registration.

**[13] Subsections 5.4 and 5.5**

*omit*

**[14] Subsection 5.6, note**

*substitute*

*Note* *Marine Order 1 (Administration) 2011* deals with the following matters about exemptions and equivalents:

- making an application
- seeking further information about an application
- the time allowed for consideration of an application
- imposing conditions on approval of an application
- notification of a decision on an application

- review of decisions.

## [15] Section 6

*substitute*

### 6 Equivalentents

- 6.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for approval to use an equivalent.  
*Note* For definitions of *equivalent* and *use*, see subsection 6.4.
- 6.2 The decision maker for the application is the Manager, Ship Inspection and Registration.
- 6.3 The Manager, Ship Inspection and Registration may approve use of an equivalent only if he or she is satisfied that use of the equivalent would be at least as effective as compliance with the requirement to which the equivalent is an alternative.

- 6.4 For this section:

*equivalent* means:

- a fitting, material, appliance or apparatus that may be fitted or carried in a vessel as an alternative to a fitting, material, appliance or apparatus that a provision of this Order requires to be fitted or carried in a vessel; or
- an arrangement that could be made or a procedure that could be followed in or for a vessel as an alternative to a requirement of this Order.

*use*, of an equivalent, includes:

- fitting or carrying the equivalent in or on a vessel; and
- making an alternative arrangement or following an alternative procedure.

## [16] Subsection 8.3

*substitute*

- 8.3 The approved form for a radio log-book is set out in Schedule 7.

## [17] Subsection 8.4, note

*substitute*

*Note* The operation of a vessel mentioned in subsection 8.4 is not usually regulated under the Navigation Act. However, under subsection 98(3) of the Navigation Act, the vessel may be issued with certificate of equipment. Subsection 8.4 has been included for that purpose.

## [18] Further amendments

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 1.2.3	425(1)	339(1)
Subsection 1.2.4	425(1AA)	342(1)
Section 2, definition of <i>approved</i>	Inspections	Inspection and Registration
Section 2, definition of <i>GMDSS Certificate</i>	Marine Orders Part 6	<i>Marine Order 6 (Marine Radio Qualifications) 2000</i>
Sections 2 and 3	Part	Order

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 3	ship	vessel
Subsection 3.2	Inspections	Inspection and Registration
Subsection 4.3	ship	vessel
Subsection 4.3	Part	Order
Subsection 5.1	Inspections	Inspection and Registration
Subsection 5.1	Part	Order
Subsection 5.1	ships	vessels
Paragraph 5.1(a)	7	section 7
subsection 5.2	5.1	subsection 5.1
Paragraph 5.2(a)	provision	section
Subsection 5.3	non-Solas ship	vessel to which Chapter IV of SOLAS does not apply
Section 5	ship	vessel
Subsection 5.3	Inspections	Inspection and Registration
Subsection 5.6	Marine Orders, Part 27, Issue 3,	issue 3 of this Order
Section 7	ship	vessel
Subsection 7.1	SOLAS ship	vessel to which Chapter IV of SOLAS applies
Subsection 7.2	non-SOLAS ship	vessel to which Chapter IV of SOLAS does not apply
Subsection 7.2, note	non-SOLAS ships	vessels to which Chapter IV of SOLAS does not apply
Paragraph 7.2(d)	Inspections	Inspection and Registration
Paragraph 7.2(d)	ship's	vessel's
Subsection 7.3	ships	vessels
Section 8	Appendix	Schedule
Section 8	ship	vessel
Section 8	non-SOLAS ship	vessel to which Chapter IV of SOLAS does not apply

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 8.1	SOLAS ship	vessel to which Chapter IV of SOLAS applies
Subsection 8.1, note 1	Part	Order
Subsection 8.1, note 1	Appendixes	Schedules
Subsection 8.2, note 2	Inspections	Inspection and Registration
Subsection 8.2, note 3	SOLAS ships	vessels to which Chapter IV of SOLAS applies
Subsection 8.5	a ship	a vessel
Paragraph 8.5(d)	Part of Marine Orders	Order
Paragraph 8.5(i)	ship's	vessel's
Subsection 8.5, note	Note	Note 1
Subsection 8.5, note	8.5(e)	paragraphs 8.5(e)
Appendix 1	Ship	Vessel
Appendix 2	Part	Order
Appendix 2, clause 2	ship	vessel
Appendix 3, subclause 2.1.4	2.1.3	subclause 2.1.3
Appendix 5	ship	vessel
Appendix 5, clause 3	5,	clause 5,
Appendix 5, clause 4	1,	clause 1,
Appendix 6, heading	non-SOLAS ships	vessels to which Chapter IV of SOLAS does not apply
Appendix 6	non-SOLAS ship	vessel to which Chapter IV of SOLAS does not apply
Appendix 6	Provision 7.2	subsection 7.2
Appendix 6	Inspections	Inspection and Registration
Appendix 6	ship's	vessel's
Appendix 6, first note under paragraph C.(i)	ships	vessels
Appendix 6, second note under paragraph C.(i)	ship	vessel
Appendix 6, second note under paragraph C.(i)	Marine Orders, Part 25	<i>Marine Order 25 (Equipment — lifesaving) 2009</i>

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Appendix 7	SHIP/VESSEL	VESSEL
Appendices 1 to 7	Appendix	Schedule

## Schedule 14 Marine Order 28, issue 4

(section 3)

### [1] Section 4, at the foot

*insert*

- 4.2 This Order also gives effect to SOLAS in relation to the safe navigation and operation of vessels.

### [2] Subsection 5.3

*substitute*

- 5.3 Paragraph 340(1)(a) of the Navigation Act provides that the regulations may provide for giving effect to SOLAS.

### [3] Section 6

*substitute*

## 6 Definitions

*Note 1* There are no terms currently defined specifically for this Order.

*Note 2* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- Navigation Act
- Manager, Ship Operations and qualifications
- SOLAS
- STCW Code.

*Note 3* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- owner (there is also a note about this term in *Marine Order 1 (Administration) 2011*)
- master
- seafarer
- inspector
- STCW Convention.

### [4] Section 7

*substitute*

## 7 Vessels to which this Order applies

- 7.1 This Order applies to a regulated Australian vessel.
- 7.2 This Order, other than subsection 9.4, sections 11 and 15 and subsections 17.4, 17.5 and 18.3, applies to a foreign vessel:
- (a) in an Australian port; or
  - (b) entering or leaving an Australian port; or
  - (c) in the internal waters of Australia; or

- (d) in the territorial sea of Australia, other than in the course of innocent passage.

*Note 1* **port** includes a **harbour** — see Navigation Act, s 14(1).

*Note 2* The provisions mentioned in subsection 7.2 impose specific requirements for regulated Australian vessels beyond the requirements of the STCW Convention and Code.

**[5] After subsection 9.2**

*insert*

- 9.2A An offence against subsection 9.2 is a strict liability offence.  
9.2B A person is liable to a civil penalty if the person contravenes subsection 9.2.  
Civil penalty: 50 penalty units.

**[6] After subsection 9.3**

*insert*

- 9.3A An offence against subsection 9.3 is a strict liability offence.  
9.3B A person is liable to a civil penalty if the person contravenes subsection 9.3.  
Civil penalty: 50 penalty units.

**[7] After section 13**

*insert*

- 13.2 An offence against subsection 13.1 is a strict liability offence.  
13.3 A person is liable to a civil penalty if the person contravenes subsection 13.1.  
Civil penalty: 50 penalty units.

**[8] Subsection 16.5, notes 1 and 2**

*substitute*

*Note 1* Under section 185 of the Navigation Act, the owner of a vessel must report marine incidents and dangers to navigation to AMSA. Under section 186 of the Navigation Act, the master of a vessel must report marine incidents and dangers to navigation to AMSA. Section 13A of *Marine Order 31 (Ship surveys and certification) 2006* prescribes matters in relation to reports under sections 185 and 186.

*Note 2* Section 221 of the Navigation Act enables requirements to be prescribed for reporting about movements of vessels. *Marine Order 63 (AUSREP) 2006* prescribes the requirements.

**[9] Subsection 17.3**

*omit*

seafarer, including the master and chief engineer, must

*insert*

seafarer must

**[10] Subsection 18.3, note**

*omit*

ship to which Part II of the Navigation Act applies — see s 7.1 and 7.2.

*insert*

regulated Australian vessel — see s 7.1 and 7.2.



**[11] Further amendments**

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 1	<i>Order 28, issue 4</i>	<i>Order 28 (Operations standards and procedures) 2012</i>
Section 4	This	4.1 This
Section 4	ships	vessels
Subsection 5.1	Subsection 151(1A)	Paragraph 340(1)(h)
Subsection 5.2	425(1)	339(1)
Subsection 5.4	425(1A)	342(1)
Division 2, heading	operators	owners
Section 8	Operators of ships	Owners of vessels
Section 9, heading	Operators of ships	Owners of vessels
Section 9	operator of a ship	owner of a vessel
Section 9	ship	vessel
Subparagraph 9.2(a)(i)	<i>Orders, Part 3 (Seagoing Qualifications)</i>	<i>Order 3 (Seagoing qualifications) 2004</i>
Paragraph 9.2(e)	ship's	vessel's
Subsections 9.2 and 9.3	This is a penal provision.	Penalty: 50 penalty units.
Sections 11, 12, 13, 15, 16 and 17	ship	vessel
Section 13, heading	operators	owners
Section 13	The operator	13.1 The owner
Section 13	This is a penal provision.	Penalty: 50 penalty units.
Subsection 15.1	operator	owner
Section 15	<i>(Administration)</i>	<i>(Administration) 2011</i>
Subparagraph 16.1(a)(ii)	ships	vessels
Section 17	operator	owner
Subsection 17.8	a surveyor	an inspector
Section 18	ship	vessel
Subsection 18.1	operator	owner

## Schedule 15 Marine Orders Part 30, issue 8

(section 3)

### [1] Before section 1

*insert*

#### 1A Name of Order

This Order is *Marine Order 30 (Prevention of collisions) 2009*.

### [2] Subsection 1.2

*substitute*

#### 1.2 Power

1.2.1 Subsection 176(1) of the Navigation Act provides that the regulations may provide for requirements for the prevention of collisions, and for provision and use of lights and signals on vessels.

1.2.2 Subsection 176(2) of the Navigation Act provides for regulations to give effect to the Prevention of Collisions Convention.

1.2.3 Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed or that are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

1.2.4 Subsection 342(1) of the Navigation Act provides that AMSA may make orders for any matter for which provision must or may be made by regulations.

### [3] Sections 2 to 5

*substitute*

## 2 Definitions

In this Order:

***Certificate of Approval*** — see subsection 6.2.

***International Regulations*** means the Rules and Annexes constituting the International Regulations for Preventing Collisions at Sea, 1972, as in force from time to time for Australia.

*Note 1* A copy of the International Regulations as in force on 9 October 2009, is set out in Schedule 1.

*Note 2* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- IMO
- Manager, Ship Inspection and Registration
- Marine Order
- Navigation Act.

*Note 3* Some terms used in this Order are defined in the Navigation Act, including:

- AMSA
- foreign vessel
- master
- owner
- Prevention of Collisions Convention
- recognised organisation
- regulated Australian vessel

- seafarer.

### 3 Application

This Order applies to each of the vessels mentioned in section 175 of the Navigation Act.

### 4 Review of decisions

A decision under this Order is taken to be a reviewable decision for section 18 of *Marine Order 1 (Administration) 2011*.

#### [4] Subsection 7.1, note

*substitute*

*Note* It is an offence for the owner or master of a vessel to operate a vessel or cause or permit another person to operate a vessel, in contravention of regulations made for section 176 of the Navigation Act — see sections 177 and 178 of the Navigation Act.

#### [5] Subsection 7.4, note

*omit*

#### [6] After subsection 7.5

*insert*

*Note* Nautical charts required to be carried on a vessel by sections 224 and 225 of the Navigation Act include the traffic separation schemes and inshore traffic zones.

#### [7] Further amendments

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 1.1	Part of Marine Orders	Order
Subsection 1.1	ship	vessel
Subsections 6.1.1 and 6.1.2	an Australian-registered ship	a regulated Australian vessel, a domestic commercial vessel or a recreational vessel that has Australian nationality
Subsections 6.1, 6.2 and 7.6	Inspections	Inspection and Registration
Subsections 6.1 and 6.2	survey authority	recognised organisation
Subsection 6.2.1	6.1	subsection 6.1
Section 7, heading	Measures to be observed	Requirements for operation of vessels
Section 7	ship	vessel
Subsection 7.1	observed	observed in the operation of a vessel
Subsection 7.3	an Australian registered ship	a regulated Australian vessel, a domestic commercial vessel or a recreational vessel that has Australian nationality

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Appendix, heading	Appendix	Schedule 1

## Schedule 16 Marine Orders Part 31, issue 6

(section 3)

### Division 1 Initial modification

#### [1] Before section 1A

*insert*

### Division 1 Preliminary

#### [2] Subsection 1.2.1

*substitute*

- 1.2.1 Subsection 98(1) of the Navigation Act provides that the regulations may make provision in relation to safety certificates.
- 1.2.1A Subsection 98(2) provides that, without limiting subsection 98(1), the regulations may give effect to SOLAS.
- 1.2.1B Paragraph 340(1)(a) of the Navigation Act also provides that the regulations may give effect to SOLAS.

#### [3] Section 2, definitions of *cargo ship* and *surveyor*

*substitute*

***nuclear vessel*** means a vessel that has a nuclear power plant.

***sailing vessel*** has the same meaning as in *Marine Order 52 (Sailing ships) 1999*.

***short overseas voyage***, for a passenger vessel, means an overseas voyage:

- (a) in which the vessel is not at any time more than 200 nautical miles from a port or place where the passengers and seafarers aboard the vessel could be placed in safety; and
- (b) in which the distance between the last port of call in the country where the voyage begins and the final port of destination is not more than 600 nautical miles.

#### [4] Section 2, after note 2

*insert*

*Note 3* Some terms used in this Order are defined in the Navigation Act, including:

- AMSA
- inspector.

#### [5] Subsection 4.1

*substitute*

- 4.1 This Order applies to the following vessels:
- (a) a regulated Australian vessel;

- (b) a foreign vessel:
  - (i) in an Australian port; or
  - (ii) entering or leaving an Australian port; or
  - (iii) in the internal waters of Australia; or
  - (iv) in the territorial sea of Australia, other than in the course of innocent passage.

**[6] Sections 5 and 6**

*substitute*

**4A Certificates that do not make a vessel a *regulated Australian vessel***

For subparagraph 15(1)(c)(ii) of the Navigation Act, the following certificates are prescribed:

- (a) a pollution certificate issued for a domestic commercial vessel;
- (b) a safety certificate that is an Australian load line certificate issued for a vessel in accordance with *Marine Order 16 (Load Lines) 2004*.

**5 Review of decisions**

A decision by the Manager, Ship Inspection and Registration under this Order is taken to be a reviewable decision for section 18 of *Marine Order 1 (Administration) 2011*.

**6 Notification of alterations to vessel**

For paragraph 105(1)(c) of the Navigation Act, the prescribed period is within 7 days after the alteration.

*Note* For ways of contacting AMSA — see AMSA's website at <http://www.amsa.gov.au>.

**[7] Before section 7**

*insert*

**Division 2 Surveys**

**[8] After section 11**

*insert*

**11A Sailing vessels**

Sections 8 and 9 (which relate to cargo vessels) apply to a regulated Australian vessel that is a sailing vessel with a gross tonnage of over 50 tonnes as if references in those sections to a cargo vessel were references to a sailing vessel with a gross tonnage of over 50 tonnes.

**[9] Subsection 13.1.2, note**

*substitute*

*Note* Paragraph 248(1)(a) of the Navigation Act provides for the detention of a vessel that is unseaworthy or substandard.

**[10] Subsection 13.2**

*omit*

**[11] After section 13**

*insert*

**13A Reporting of marine incidents to AMSA**

13A.1 For paragraphs 185(1)(b) and 186(1)(b) of the Navigation Act (which deal with reporting of marine incidents by the owner and the master of a vessel), the prescribed period for reporting a marine incident is:

- (a) for a preliminary report for which the approved form known as an Incident Alert Form (Form AMSA 18, also known as Form MO—31/14) is suitable — 4 hours; and
- (b) for a detailed report for which the approved form known as an Incident Report Form (Form AMSA 19, also known as Form MO—31/15) is suitable — 72 hours.

*Note 1* AMSA Forms 18 and 19 are available from AMSA's website: <http://www.amsa.gov.au>. For convenience, the forms have also been reproduced in Schedule 1 as Forms MO—31/14 and MO 31—15.

*Note 2* If a report is made under sections 185 or 186 of the Navigation Act, the Manager, Ship Inspection and Registration may start an investigation to determine if a survey of the vessel should be conducted.

13A.2 If the master is unable to access an approved form for reporting a marine incident:

- (a) the master may report the incident using another document that sets out the information required by the approved form; and
- (b) a report made in accordance with paragraph (a) is taken, for paragraphs 185(1)(b) and 186(1)(b) of the Navigation Act, to be a report in the approved form.

*Note* For other reporting requirements — see *Transport Safety Investigation Act 2003*, sections 18 and 19.

**Division 3 Certificates**

**13B Application for a safety certificate**

13B.1 For subsection 99(1) of the Navigation Act, the kinds of safety certificate are those mentioned of Table 1 in section 14.

13B.2 For subsection 99(2) of the Navigation Act, an application for a safety certificate must be:

- (a) in writing; and
- (b) made with an application for a survey mentioned in section 16.

**[12] Subsections 14.1.1 and 14.1.2**

*substitute*

**14.1 Duration of certificates**

14.1.1 Table 1 sets out:

- (a) the kinds of safety certificates; and
- (b) the maximum period for which each kind of safety certificate can be in force.

14.1.2 A safety certificate remains in force for the period, up to the maximum period mentioned in Table 1, mentioned in the certificate.

14.1.3 However, the period may be extended in accordance with subsection 14.3.

**[13] Subsection 14.1, Table 1, column 2**

*omit*

Passenger Certificate      1 year

**[14] Section 15**

*omit everything before Table 2, insert*

A safety certificate mentioned in Table 2 must be in the form mentioned for the certificate in the table.

**[15] Section 15, Table 2**

*omit*

Passenger Certificate      MO-31/16

**[16] Section 16, heading**

*substitute*

**16 Application for survey****[17] Subsection 16.2**

*omit*

**[18] Section 17**

*substitute*

**17 Inspector's reports and declaration**

17.1 After completing a survey of a vessel, the inspector must give the following documents to AMSA:

- (a) an inspection report;
- (b) a declaration in accordance with Form MO-31/2.

17.2 The inspector must state in the declaration:

- (a) the extent to which the vessel's construction, equipment and machinery was surveyed by him or her; and
- (b) his or her opinion, based on the survey, about the kind of voyages that the vessel is fit to undertake.

**[19] Paragraph 18.2 (a)**

*substitute*

- (a) that is a foreign vessel to which SOLAS does not apply; or

**[20] After subsection 18.3**

*insert*

18.4 AMSA may grant an exemption from survey under Division 2.

18.5 AMSA may revoke an exemption from survey if the inspection report under section 20 shows that:

- (a) the condition of a vessel, or its equipment, does not substantially correspond with the safety certificate issued for the vessel; or
- (b) the vessel cannot proceed to sea without danger to its crew or passengers.

**[21] After section 19**

*insert*

**20 Inspection of vessels exempt from survey**

- 20.1 An inspector may, at any time, inspect a vessel that is wholly or partly exempt from survey under any Marine Orders.
- 20.2 An inspector who has completed an inspection mentioned in subsection 20.1 must prepare an inspection report and give it to AMSA.

**21 Certificates required for a passenger vessel**

- 21.1 A passenger vessel engaged in an overseas voyage must have the following safety certificates:
  - (a) either:
    - (i) for a vessel engaged in a short overseas voyage — a passenger ship short voyage safety certificate; or
    - (ii) in any other case — a passenger ship safety certificate;
  - (b) any exemption certificate in force for the vessel that applies to the voyage.
- 21.2 A passenger vessel engaged in a short overseas voyage must have a passenger ship short voyage safety certificate.

**22 Certificates required for a cargo vessel**

- 22.1 A cargo vessel that is not a fishing vessel and is at least 500 gross tonnage engaged on an overseas voyage must have the following safety certificates:
  - (a) either:
    - (i) all of these:
      - (A) a cargo ship safety construction certificate;
      - (B) a cargo ship safety equipment certificate;
      - (C) a cargo ship safety radio certificate; or
    - (ii) a cargo ship safety certificate;
  - (b) any exemption certificate in force for the vessel that applies to the voyage.
- 22.2 A cargo vessel that is a fishing vessel and is at least 500 gross tonnage, or less than 500 gross tonnage engaged on an overseas voyage, must have a certificate of survey appropriate to the voyage.
- 22.3 A cargo vessel of at least 300 gross tonnage that is engaged on an overseas voyage must have the following certificates:
  - (a) a cargo ship safety radiotelegraphy certificate or a cargo ship safety radiotelephony certificate;
  - (b) any exemption certificate in force for the vessel that applies to the voyage.

**Division 4 Criteria for issue, variation or revocation of safety certificates**

**23 Criteria**

The criteria for the issue, variation or revocation of a safety certificate for a regulated Australian vessel are:

- (a) for issue of a certificate mentioned in Schedule 2 — those mentioned for the certificate in Schedule 2; and



- (b) for variation of a certificate:
  - (i) a written application for a variation of the certificate is made to the issuing body, specifying the nature of variation sought; and
  - (ii) the vessel complies with the survey requirements that apply to it; and
  - (iii) the vessel undergoes any additional surveys required by the Manager, Ship Inspection and Registration; and
  - (iv) the vessel complies with any conditions imposed by the Manager, Ship Inspection and Registration; and
- (c) for revocation of a certificate:
  - (i) the surveys required by this Order are not completed within the periods required by this Order; or
  - (ii) the certificate is not endorsed in accordance with this Order; or
  - (iii) the vessel to which it applies ceases to be registered in Australia.

**[22] Schedule 1, Form MO-31/1**

*omit*

To the Surveyor

**[23] Schedule 1, Form MO-31/2, before the footnotes**

*insert*

\* delete as appropriate

**[24] Schedule 1, Form MO-31/13**

*substitute*

Form MO-31/13

**NOTICE OF ALTERATION UNDER SECTION 105 OF THE NAVIGATION  
ACT**

To: Manager, Ship Inspection and Registration

Area Manager, Ship Safety Division, .....

Recognised organisation that issued the certificate.....

**PARTICULARS TO BE NOTIFIED**

1. Name of vessel.
2. Official number (if any).
3. IMO number
4. Gross Tonnage
5. Home port/port of registry.
6. Call sign.
7. Name of owner(s) or agent.
8. Address of principal place of business of owner or agent in Australia.

9. Date of issue and reference number of the Safety Certificate.
10. Name of the recognised organisation.
11. Reason(s) for, or cause(s) of alteration
12. Description of nature and extent of alteration to the vessel (including date(s) on which alterations were commenced and completed.
13. Name and address of person or corporation effecting alteration.
14. Particulars of changes in the construction of the vessel.
15. Additional information (if any) affecting the compliance of the vessel with the provisions of SOLAS as appropriate.

.....

*(signature of master or owner)*

.....

*(date)*

**[25] Schedule 1, Form MO-31/16**

*omit*

**[26] After Schedule 1**

*insert*

**Schedule 2 Criteria for issue of safety certificates**

(section 23)

<b>Item</b>	<b>Certificate</b>	<b>Criteria</b>
1	Passenger ship safety certificate or passenger ship short voyage safety certificate	The vessel: (a) has been surveyed in accordance with this Order; and (b) complies with the provisions of Marine Orders 12, 15, 21, 25, 27 and 30 that relate to passenger vessels to which SOLAS applies
2	Cargo ship safety construction certificate	The vessel: (a) has been surveyed in accordance with this Order; and (b) complies with the provisions of Marine Orders 12 and 15 that relate to cargo vessels to which SOLAS applies
3	Cargo ship safety equipment certificate	The vessel: (a) has been surveyed in accordance with this Order; and (b) complies with the provisions of Marine Orders 15, 21, 25 and 30 that relate to cargo vessels to which SOLAS applies
4	Cargo ship safety	The vessel:

<b>Item</b>	<b>Certificate</b>	<b>Criteria</b>
	radio certificate	(a) has been surveyed in accordance with this Order; and (b) complies with Marine Order 27
5	Cargo ship safety certificate	The vessel: (a) has been surveyed in accordance with this Order; and (b) complies with the provisions of Marine Orders 12, 15, 21, 25, 27 and 30 that relate to cargo vessels to which SOLAS applies
6	Exemption certificate (SOLAS)	The vessel: (a) has been surveyed in accordance with this Order; and (b) complies with the provisions of Marine Orders 12, 15, 21, 25, 27 and 30 that relate to cargo vessels to which SOLAS applies (other than the requirement mentioned in the exemption certificate); and (c) complies with any conditions imposed by the Manager, Ship Inspection and Registration
7	Certificate of survey for a passenger vessel	The vessel: (a) has been surveyed in accordance with this Order; and (b) complies with the provisions of Marine Orders 12, 15, 21, 25, 27 and 30 that relate to vessels to which SOLAS does not apply; and (c) complies with any conditions imposed by the Manager, Ship Inspection and Registration
8	Certificate of survey for a cargo vessel other than a fishing vessel	The vessel: (a) has been surveyed in accordance with this Order; and (b) complies with the provisions of Marine Orders 12, 15, 21, 25, 27 and 30 that relate to cargo vessels to which SOLAS does not apply; and (c) complies with any conditions imposed by the Manager, Ship Inspection and Registration
9	Certificate of survey for a fishing vessel	The vessel: (a) has been surveyed in accordance with this Order; and (b) complies with the provisions of Marine Orders 12, 15, 21 and 25 that relate to fishing vessels to which SOLAS does not apply; and (c) complies with the conditions imposed by the Manager, Ship Inspection and Registration
10	Exemption certificate (non-SOLAS)	The vessel: (a) has been surveyed in accordance with this Order; and (b) complies with the provisions of Marine Orders 12, 15, 21, 25, 27 and 30 that relate to vessels to which SOLAS does not apply (other than the requirement mentioned in the exemption certificate); and (c) complies with any conditions imposed by the Manager,

<b>Item</b>	<b>Certificate</b>	<b>Criteria</b>
<b>Ship Inspection and Registration</b>		
<b>[27] Further amendments</b>		
<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 1A	31, issue 6	31 ( <i>Ship surveys and certification</i> ) 2006
Subsection 1.2.2	Divisions 1, 2 and 2B of Part IV	Section 314, paragraph 93(3)(a) and subparagraph 339(2)(i)
Subsection 1.2.2	ships	vessels
Subsection 1.2.3	425 (1)	339(1)
Subsection 1.2.4	425 (1AA)	342(1)
Section 2, definition of <b>USL Class 1A and 2A</b>	ship	vessel
Section 2, note 2	( <i>Administration</i> ),	( <i>Administration</i> ) 2011,
Section 2, note 2	<ul style="list-style-type: none"> <li>• AMSA</li> <li>• General Manager, Maritime Operations Division</li> </ul>	<ul style="list-style-type: none"> <li>• cargo vessel</li> <li>• General Manager, Ship Safety Division</li> <li>• fishing vessel</li> </ul>
Section 2, note 2	<ul style="list-style-type: none"> <li>• SOLAS</li> <li>• survey authority.</li> </ul>	<ul style="list-style-type: none"> <li>• passenger vessel</li> <li>• recognised organisation</li> <li>• SOLAS</li> <li>• inspector.</li> </ul>
Subsection 3.3	ship	vessel
Subsections 4.2 and 4.3	ship	vessel
Subsection 4.3	steamship	vessel
Section 7, heading	ships	vessels
Section 7	ship	vessel
Subsection 7.2	ship's	vessel's
Subsection 7.2, note	surveyor	inspector
Subsection 7.3	survey authority	recognised organisation
Section 8, heading	ships	vessels
Subsection 8.1	ship	vessel
Subsection 8.1	the Navigation Act and Marine	Marine
Section 9	ships	vessels
Subsection 9.1	the Navigation Act and Marine	Marine

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 9.1	ship	vessel
Section 10, heading	ships	vessels
Section 10	ship	vessel
Section 10	ship's	vessel's
Subsection 10.1.1	the Navigation Act and Marine	Marine
Subsection 10.1.3, note	surveyor	inspector
Subsections 11.1 and 11.2	the Navigation Act and Marine	Marine
Subsection 11.3, note	crew	seafarers
Section 12, heading	ships	vessels
Section 12	ship	vessel
Paragraph 12.1(a)	<i>Orders Part 17 (Liquefied Gas Carriers and Chemical Tankers)</i>	<i>Order 17 (Liquefied gas carriers and chemical tankers) 2006</i>
Paragraph 12.1(b)	<i>Orders Part 47 (Mobile Offshore Drilling Units)</i>	<i>Order 47 (Mobile offshore drilling units) 2012</i>
Paragraph 12.1(c)	<i>Orders Part 49 (High Speed Craft)</i>	<i>Order 49 (High-speed craft) 2009</i>
Paragraph 12.1(d)	<i>Orders Part 49 (High Speed Craft)</i>	<i>Order 49 (High-speed craft) 2009</i>
Paragraph 12.1(e)	<i>Orders Part 50 (Special Purpose Ships)</i>	<i>Order 50 (Special Purpose Ships) 2012</i>
Paragraph 12.1(f)	<i>Orders Part 43 (Cargo &amp; cargo handling — livestock)</i>	<i>Order 43 (Cargo &amp; cargo handling — livestock) 2006</i>
Subsection 12.2	<i>Orders, Part 41 (Carriage of Dangerous Goods)</i>	<i>Order 41 (Carriage of dangerous goods) 2009</i>
Subsection 13.1	ship	vessel
Subsection 13.1	the Navigation Act, Marine Orders	Marine Orders
Subsection 13.1.2	a surveyor	an inspector
Subsection 13.1.2	the surveyor	the inspector
Section 14, heading	Duration of certificates	Duration and validity of safety certificates
Subsection 14.3.1	sections 8, 9 and 10	sections 8 to 11A
Subsections 14.3.2, 14.3.3 and 14.3.4	ship	vessel

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 14.3.2	survey authority	recognised organisation
Subsection 14.3.5	Australian-registered	Australian
Subsection 14.3.6, note	ship	vessel
Subsection 14.5	ship	vessel
Subsection 14.5, note	survey authority	recognised organisation
Subsection 14.6	a surveyor	an issuing body
Subsection 16.1.1	survey authority	recognised organisation
Subsection 16.1.1	the Schedule	Schedule 1
Subsections 16.1.2 and 16.1.3	ship	vessel
Subsections 18.1 and 18.2	ship	vessel
Subsections 18.1 and 18.2	subsection 193(1) of the Navigation Act	Division 2
Paragraph 18.2(b)	registered in Australia	a regulated Australian vessel
Subsection 18.3	ship	vessel
Subsection 18.3	204 or section 210	20
Section 19, heading	Transitional	Harmonisation of expiry dates of certificates
Section 19	ship's	vessel's
Schedule 1, Form MO-31/1	crew	seafarers
Schedule 1, Form MO-31/1	OF SHIP	OF VESSEL
Schedule 1, Form MO-31/1	ship	vessel
Schedule 1, Form MO-31/1	organization	organisation
Schedule 1, Form MO-31/1	Ship	vessel
Schedule 1, Form MO-31/2, heading	SURVEYOR'S DECLARATION <i>Marine Order 31 (Ship surveys and certification)</i>	DECLARATION OF SURVEY OR INSPECTION <i>Marine Order 31 (Ship surveys and certification) 2006</i>
Schedule 1, Form MO-31/2	ship	vessel
Schedule 1, Form	surveyor	inspector

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
MO-31/2, note 3		
Schedule 1, Form MO-31/2, note 3	<i>1912</i>	<i>2012</i>
Schedule 1, Form MO-31/2	a surveyor appointed under the <i>Navigation Act 1912</i> ,	an inspector appointed under the Navigation Act 2012/ a surveyor employed by a recognised organisation *
Schedule 1, Form MO-31/2	Signature of Surveyor	Signature
Schedule 1, Form MO-31/2, note 3	surveyor is appointed	the appointment is
Schedule 1, Form MO-31/9	<i>1912</i>	<i>2012</i>
Schedule 1, Form MO-31/9	subsections 195(1A) and 195(2) of the Navigation Act	section 14 of <i>Marine Order 31 (Ship surveys and certification) 2006</i>
Schedule 1, Form MO-31/10	<i>1912</i>	<i>2012</i>
Schedule 1, Form MO-31/10	<i>Marine Order 31 (Ship surveys and certification)</i>	<i>Marine Order 31 (Ship surveys and certification) 2006</i>
Schedule 1, Form MO-31/10	subsections 195(1A) and 195(2) of the Navigation Act	section 14 of <i>Marine Order 31 (Ship surveys and certification) 2006</i>
Schedule 1, Form MO-31/11	1912	2012
Schedule 1, Form MO-31/11	<i>Marine Orders, Part 31 (Ship surveys and certification)</i>	<i>Marine Order 31 (Ship surveys and certification) 2006</i>
Schedule 1, Form MO-31/12	1912	2012
Schedule 1, Form MO-31/12	ship	vessel
Schedule 1, Form MO-31/15	sections 268, 269 or 417	paragraphs 185(1)(b) or 186(1)(b) or subparagraph 312(1)(b)(ii)
Schedule 1, Form MO-31/15	<i>1912</i>	<i>2012</i>
Schedule 1, Form MO-31/15	section 417	subparagraph 312(1)(b)(ii)

## [28] Other amendments

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 13B.1	14	18

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 14.1.3	14.3	18.3
Subsection 14.3.4	14.3.1, 14.3.3 or 14.3.5	18.3.1, 18.3.3 or 18.3.5
Subsection 14.3.6	14.2.(b) or subsection 14.3.3 or 14.3.4	18.2.(b) or subsection 18.3.3 or 18.3.4

## **Division 2 Consequent modification**

### **[1] Sections 14 and 15**

*relocate before section 20 as sections 18 and 19*

### **[2] Sections 16 to 19**

*renumber as sections 14 to 17*

## **Schedule 17 Marine Orders Part 32, issue 3**

(section 3)

### **[1] Section 1**

*substitute*

#### **1 Name of Order**

This Order is *Marine Order 32 (Cargo handling equipment) 2011*.

### **[2] Section 5**

*substitute*

#### **5 Power**

5.1 Subsection 112(5) of the Navigation Act provides for regulations dealing with loading, stowing or carriage of cargo in vessels and unloading of cargo from vessels.

*Note* Section 114 provides that a person who contravenes subsection 114(1) is punishable on conviction by imprisonment for up to 5 years and a fine of up to 300 penalty units.

5.2 Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed, or that are necessary or convenient to be prescribed, for carrying out or giving effect to the Navigation Act.

5.3 Paragraph 339(2)(b) of the Navigation Act provides for regulations dealing with machinery and equipment to be carried on board vessels.

5.4 Paragraph 339(2)(c) provides for regulations dealing with operating, maintaining, checking and testing of the machinery and equipment.

5.5 Subsection 342(1) of the Navigation Act provides for the making of orders for matters that can be made by the regulations.

### **[3] Section 6, definitions of AMSA, cargo, container and dangerous goods**

*omit*



**[4] Section 6, definition of *IMDG Code***

*substitute*

***IMDG Code*** means the International Maritime Dangerous Goods Code.

*Note* ***International Maritime Dangerous Goods Code*** is defined in the Navigation Act. On 30 June 2013 the latest edition of the *IMDG Code* was the 2010 edition.

**[5] Section 6, notes 1 to 3**

*substitute*

*Note 1* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- Manager, Ship Inspection and Registration
- Navigation Act
- offshore industry mobile unit.

*Note 2* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- cargo
- container
- dangerous goods
- inspector
- master
- port
- recognised organisation
- seafarer.

*Note 3* Recognised organisations are listed in *Marine Order 1 (Administration) 2011*.

**[6] Paragraph 8(1)(c), note**

*omit*

**[7] After subsection 10.1**

*insert*

10.1A An offence against subsection 10.1 is a strict liability offence.

10.1B A person is liable to a civil penalty if the person contravenes subsection 10.1.

Civil penalty: 50 penalty units.

**[8] After subsection 10.2**

*insert*

10.2A An offence against subsection 10.2 is a strict liability offence.

10.2B A person is liable to a civil penalty if the person contravenes subsection 10.2.

Civil penalty: 50 penalty units.

**[9] After subsection 11.3**

*insert*

11.4 An offence against subsection 11.3 is a strict liability offence.

11.5 A person is liable to a civil penalty if the person contravenes subsection 11.3.

Civil penalty: 50 penalty units.

**[10] After subsection 13.2**

*insert*

13.3 An offence against subsection 13.2 is a strict liability offence.

13.4 A person is liable to a civil penalty if the person contravenes subsection 13.2.

Civil penalty: 50 penalty units.

**[11] After subsection 14.2**

*insert*

14.2A An offence against subsection 14.2 is a strict liability offence.

14.2B A person is liable to a civil penalty if the person contravenes subsection 14.2.

Civil penalty: 50 penalty units.

**[12] After subsection 14.3**

*insert*

14.3A An offence against subsection 14.3 is a strict liability offence.

14.3B A person is liable to a civil penalty if the person contravenes subsection 14.3.

Civil penalty: 50 penalty units.

**[13] After subsection 15.3**

*insert*

15.3A An offence against subsection 15.3 is a strict liability offence.

15.3B A person is liable to a civil penalty if the person contravenes subsection 15.3.

Civil penalty: 50 penalty units.

**[14] After section 16**

*insert*

16.2 An offence against subsection 16.1 is a strict liability offence.

16.3 A person is liable to a civil penalty if the person contravenes subsection 16.1.

Civil penalty: 50 penalty units.

**[15] After section 17**

*insert*

17.2 An offence against subsection 17.1 is a strict liability offence.

17.3 A person is liable to a civil penalty if the person contravenes subsection 17.1.

Civil penalty: 50 penalty units.

**17A Loading and unloading — employment of seafarers**

For paragraph 94(1)(b) of the Navigation Act, the requirements are:

- (a) the master agrees to the seafarer loading or unloading the vessel; and
- (b) a risk assessment is undertaken to ensure that the vessel can be loaded or unloaded in accordance with this Order.

**[16] After subsection 18.7**

*insert*

18.8 An offence against subsection 18.1, 18.4, 18.5, 18.6 or 18.7 is a strict liability offence.

18.9 A person is liable to a civil penalty if the person contravenes subsection 18.1, 18.4, 18.5, 18.6 or 18.7.

Civil penalty: 50 penalty units.

**[17] After section 19**

*insert*

19.2 An offence against subsection 19.1 is a strict liability offence.

19.3 A person is liable to a civil penalty if the person contravenes subsection 19.1.

Civil penalty: 50 penalty units.

**[18] After subsection 24.1**

*insert*

24.1A An offence against subsection 24.1 is a strict liability offence.

24.1B A person is liable to a civil penalty if the person contravenes subsection 24.1.

Civil penalty: 50 penalty units.

**[19] After subsection 24.2**

*insert*

24.2A An offence against subsection 24.2 is a strict liability offence.

24.2B A person is liable to a civil penalty if the person contravenes subsection 24.2.

Civil penalty: 50 penalty units.

**[20] After subsection 25.1**

*insert*

25.1A An offence against subsection 25.1 is a strict liability offence.

25.1B A person is liable to a civil penalty if the person contravenes subsection 25.1.

Civil penalty: 50 penalty units.

**[21] After subsection 30.3**

*insert*

30.3A An offence against subsection 30.1, 30.2 or 30.3 is a strict liability offence.

30.3B A person is liable to a civil penalty if the person contravenes subsection 30.1, 30.2 or 30.3.

Civil penalty: 50 penalty units.

**[22] After subsection 32.3**

*insert*

32.4 An offence against subsection 32.2 or 32.3 is a strict liability offence.

32.5 A person is liable to a civil penalty if the person contravenes subsection 32.2 or 32.3.

Civil penalty: 50 penalty units.

**[23] After section 36**

*insert*

36.2 An offence against subsection 36.1 is a strict liability offence.

36.3 A person is liable to a civil penalty if the person contravenes subsection 36.1.

Civil penalty: 50 penalty units.

#### [24] Other amendments

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsections 4.1(a)(i), (ii) and (iii)	ships, off-shore industry vessels and off-shore industry mobile units	vessels
Paragraph 4.1(a)(iv)	off-shore industry mobile units	vessels
Subsection 4.2	ship	vessel
Subsection 4.2	ships	vessels
Section 6, definition of <b>bulk carrier</b>	ship	vessel
Section 6, definition of <b>cargo space</b>	ship	vessel
Section 6, definition of <b>competent person</b> , subparagraph (a)(ii)	classification society	recognised organisation
Section 6, definition of <b>competent person</b> , subparagraph (b)(i)(A)	ship's	vessel's
Section 6, definition of <b>competent person</b> , subparagraph (b)(i)(A)	ship	vessel
Section 6, definition of <b>competent person</b> , subparagraph (b)(i)(C)	classification society	recognised organisation
Section 6, definition of <b>competent person</b> , subparagraph (b)(ii)	ship	vessel
Section 6, definition of <b>competent person</b> , subparagraph (b)(ii)	crew member	seafarer
Section 6, definition of <b>duty surveyor</b>	<b>surveyor</b>	<b>inspector</b>
Section 6, definition of <b>duty surveyor</b>	a surveyor	an inspector
Section 6, definition of <b>lifting appliance</b>	ship	vessel
Section 6, definitions of <b>loading, operator, owner, self unloading system</b> and <b>shipborne barge</b>	ship	vessel

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 6, definition of <b>operator</b>	shipowner	owner
Section 6, definition of <b>ship equipment</b>	a ship	a vessel
Section 6, definitions of <b>solid bulk cargo</b> and <b>unloading</b>	ship	vessel
Section 7	ship	vessel
Paragraph 8(1)(a)	ship	vessel
Paragraph 8(1)(b)	ship to which Part II of the Navigation Act applies	regulated Australian vessel
Section 9 to 12	ship	vessel
Subsection 9.1	<i>(Administration)</i>	<i>(Administration) 2011</i>
Subsection 9.2.1	ships	vessels
Subsection 9.2.2	surveyor	inspector
Division 2, heading	surveyors	inspectors
Subsections 10.1 and 10.2	a surveyor	an inspector
Subsections 10.1 and 10.2	This is a penal provision.	Penalty: 50 penalty units.
Subsection 11.1	a surveyor	an inspector
Subsection 11.3	This is a penal provision.	Penalty: 50 penalty units.
Paragraph 11.3(b)	a surveyor	an inspector
Section 12	A surveyor	An inspector
Subsection 13.1	ship	vessel
Subsections 13.1 and 13.2	a surveyor	an inspector
Subsections 13.2, 14.2 and 14.3	This is a penal provision.	Penalty: 50 penalty units.
Subsection 13.2, note	an Australian ship	a regulated Australian vessel
Subsections 14.1 to 14.9	ship	vessel
Subsection 14.9	crew of the ship, the master of the ship	seafarers of the vessel, the master of the vessel
Section 15 to 17	ship	vessel
Subsection 15.3	This is a penal provision.	Penalty: 50 penalty units.
Section 16	A	16.1 A
Sections 16 and 17	This is a penal provision.	Penalty: 50 penalty units.
Section 17	The	17.1 The
Section 18	the ship	the vessel
Section 18	ship's	vessel's

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 18.1	This is a penal provision.	Penalty: 50 penalty units.
Paragraphs 18.3(b) and 18.4(a)	member of the crew	seafarer
Subsection 18.4	This is a penal provision.	Penalty: 50 penalty units.
Subsection 18.5	member of the crew of the ship	seafarer of the vessel
Subsections 18.5, 18.6 and 18.7	This is a penal provision.	Penalty: 50 penalty units.
Section 19	The	19.1 The
Sections 19 to 23	ship	vessel
Section 19	This is a penal provision.	Penalty: 50 penalty units.
Section 23, heading	ships	vessels
Subsection 23.1	23.2	subsection 23.2
Subsection 23.2	ship's	vessel's
Subsection 23.2	<i>Orders, Part 21 (Safety of navigation and emergency procedures)</i>	<i>Order 21 (Safety of navigation and emergency procedures) 2012</i>
Subsection 23.6, note	ships	vessels
Subsections 24.1 and 24.2	This is a penal provision.	Penalty: 50 penalty units.
Sections 24 to 26, 28 and 30	ship	vessel
Subsection 25.1	This is a penal provision.	Penalty: 50 penalty units.
Subsections 30.1, 30.2 and 30.3	This is a penal provision.	Penalty: 50 penalty units.
Subsection 32.1	surveyor	inspector
Subsection 32.2	a ship	a vessel
Subsection 32.2	ship board equipment	equipment on board the vessel
Subsections 32.2 and 32.3	a surveyor	an inspector
Subsections 32.2 and 32.3	This is a penal provision.	Penalty: 50 penalty units.
Division 7, heading	ships'	vessels'
Sections 33 and 34	ship	vessel
Section 34	ship's	vessel's
Section 36	A	36.1 A
Section 36	This is a penal provision.	Penalty: 50 penalty units.
Sections 37 to 39	ship	vessel
Schedule 1, subclauses 1.1, 1.2 and 1.6	ship	vessel

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Schedule 1, subclause 1.6, note	ships	vessels
Schedule 1, clauses 2 and 3	ship	vessel
Schedule 1, paragraph 3.6(d)	more that	more than
Schedule 1, subclause 4.2.1.5	ship	vessel
Schedule 1, paragraph 4.3(d)	ship	vessel
Schedule 1, clause 5	ship	vessel
Schedule 2, clauses 3 and 5	ship	vessel
Schedule 2, clause 6, heading	ships	vessels
Schedule 2, clause 6	ship	vessel
Schedule 2, clause 7, heading	ships	vessels
Schedule 2, clauses 7, 8, 11 and 12	ship	vessel
Schedule 2, subclause 13.1.2	ships	vessels
Schedule 2, subclause 13.2.3	ship	vessel
Schedule 2, subclause 14.2.2	ships	vessels
Schedule 2, paragraph 14.3.1(f)	ship	vessel
Schedule 2, subclause 14.4.2	ship's	vessel's
Schedule 2, subclause 14.5.3, note	ships	vessels
Schedule 2, subclause 15.2.3, example 1, subparagraph (d)(iv)	a surveyor	an inspector
Schedule 2, subclause 15.2.5	ship's	vessel's
Schedule 2, subclause 15.2.12	ships	vessels
Schedule 2, subclause 15.2.14	ship	vessel
Schedule 2, subclause 15.2.14	ship's	vessel's
Schedule 3, subclause 1.1	ship	vessel
Schedule 4, clause 1	a ship	a vessel
Schedule 4, clauses 1 to 3	the ship	the vessel
Schedule 4, subparagraph 1.2(b)(i)	classification society	recognised organisation
Schedule 4, subclause 8.1.1 and 8.4.1	ships	vessels
Schedule 4, subclause 8.3.2	classification society	recognised organisation
Schedule 6, paragraph 1.3(d)	surveyor	inspector

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Schedule 6, paragraph 1.4(b)	classification society	recognised organisation
Schedule 6, paragraph 1.4(c)	ship	vessel
Schedule 6, subclause 6.1	A ship	A vessel
Schedule 6, paragraph 6.1(b)	ship	vessel
Schedule 6, subclauses 6.1 and 6.3	ship's	vessel's
Schedule 6, subclauses 6.3, 6.4 and 6.6	ship	vessel
Schedule 6, paragraph 6.4(d)	<i>Orders, Part 21 (Safety of navigation and emergency procedures)</i>	<i>Orders 21 (Safety of navigation and emergency procedures) 2012</i>
Schedule 6, subclause 6.6	ship's	vessel's
Schedule 6, clauses 7 and 8	ship	vessel
Schedule 6, paragraphs 8(a) and (c)	survey authority or classification society	recognised organisation
Schedule 6, clause 11	mobile offshore drilling unit	offshore industry mobile unit
Schedule 6, clause 13	ship's	vessel's
Schedule 7, subclause 1.3	ship's	vessel's
Schedule 7, subclause 1.3	ship	vessel
Schedule 7, subclauses 2.4.1 and 2.4.2	ship's	vessel's
Schedule 7, subclause 2.4.2	ship	vessel
Schedule 7, subclause 2.4.5	ship's	vessel's
Schedule 7, subclause 2.4.7	ship	vessel
Schedule 7, subclause 3.6	ship	vessel
Schedule 8, clauses 2 and 3	ship	vessel
Schedule 8, clause 3	ship's	vessel's
Schedule 8, clause 4	ship	vessel
Schedule 8, clause 6	ship's	vessel's
Schedule 9, paragraph 1.1(b)	ship's	vessel's
Schedule 10, subclause 3.2	a surveyor	an inspector
Schedule 11, Forms MO 32/1 and 32/2	Ship	Vessel
Schedule 11, Forms MO 32/1, 32/2, 32/3 and 32/4	Marine Order 32 (Cargo Handling Equipment)	<i>Marine Order 32 (Cargo Handling Equipment) 2011</i>



## Schedule 18 Marine Orders Part 33, issue 4

(section 3)

### [1] Before section 1

*insert*

#### 1A Name of Order

This Order is *Marine Order 33 (Cargo and cargo handling — grain) 2005*.

### [2] Subsection 1.2

*substitute*

#### 1.2 Power

- 1.2.1 Subsections 112(4) and 112(5) of the Navigation Act provide that the regulations may provide for the carriage on a vessel of cargo, the loading, unloading and stowing of cargo, and giving of relevant notices.
- 1.2.2 Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to the Act.
- 1.2.3 Paragraph 340(1)(a) of the Navigation Act provides that the regulations may give effect to SOLAS, including Part C of Chapter VI which deals with the carriage of grain.
- 1.2.4 Subsection 342(1) of the Navigation Act provides for the making of Orders for any matter for which the regulations may provide.

### [3] Section 2, heading

*substitute*

#### 2 Definitions

In this Order:

### [4] Section 2, definitions of *AMSA, Manager, Ship Inspections and Code*

*omit*

### [5] Section 2, definition of *document of authorization*

*substitute*

***document of authorisation*** means a document issued under A 3 of the Code by:

- (a) for a regulated Australian vessel — the Manager, Ship Inspection and Registration or a recognised organisation; or
- (b) for a foreign vessel to which SOLAS applies:
- (i) the administration of the country of registry of the vessel; or
  - (ii) the administration of a country to which SOLAS applies, on behalf of the country of registry, under the law of the country of registry that gives effect to SOLAS; or
  - (iii) an organisation recognised and authorised by the administration of the country of registry of the vessel.

***International Grain Code*** means the *International Code for the Safe Carriage of Grain in Bulk* adopted by IMO Resolution MSC.23 (59), as in force from time to time.

*Note 1* See also the IMO publication *International Code for the Safe Carriage of Grain in Bulk*, 1991 edition.

*Note 2* A copy of each IMO resolution that adopts or amends this Code is available on AMSA's website at <http://www.amsa.gov.au>.

**[6] Section 2, definitions of General Manager, IMO, penal provision, SOLAS, survey authority, surveyor and the Navigation Act**

*omit*

**[7] Section 2, at the foot**

*insert*

*Note 3* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- IMO
- Manager, Ship Inspection and Registration
- Navigation Act
- recognised organisation
- SOLAS.

*Note 4* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- inspector.

**[8] Subsection 3.4**

*omit*

**[9] Subsection 4.1**

*substitute*

- 4.1 This Order applies to the loading, stowage and carriage of grain in bulk on:
- (a) a regulated Australian vessel; or
  - (b) a foreign vessel that is:
    - (i) in an Australian port; or
    - (ii) entering or leaving an Australian port; or
    - (iii) in the internal waters of Australia; or
    - (iv) in the territorial sea of Australia, other than in the course of innocent passage.

**[10] Sections 5 and 6**

*substitute*

**5 Exemptions**

- 5.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for an exemption of a vessel from a requirement of this Order.
- 5.2 The decision maker for the application is the Manager, Ship Inspection and Registration.

5.3 The Manager, Ship Inspection and Registration may give an exemption only if he or she is satisfied that:

- (a) compliance with the requirement would be unnecessary or unreasonable having regard to the vessel, its equipment and its intended voyage; and
- (b) giving the exemption would not contravene SOLAS.

*Note* *Marine Order 1 (Administration) 2011* deals with the following matters about exemptions and equivalents:

- making an application
- seeking further information about an application
- the time allowed for consideration of an application
- imposing conditions on approval of an application
- notification of a decision on an application
- review of decisions.

## 5A Equivalents

5A.1 A person may apply, in accordance with the application process set out in Division 3 of *Marine Order 1 (Administration) 2011*, for approval to use an equivalent.

*Note* For definitions of *equivalent* and *use* —see subsection 5A.4.

5A.2 The decision maker for the application is the Manager, Ship Inspection and Registration.

5A.3 The Manager, Ship Inspection and Registration may approve use of an equivalent only if he or she is satisfied that:

- (a) use of the equivalent would be at least as effective as compliance with the requirement to which the equivalent is an alternative; and
- (b) approving use of the equivalent would not contravene SOLAS.

5A.4 In this section:

*equivalent* means:

- (a) a fitting, material, appliance or apparatus that may be fitted or carried in a vessel as an alternative to a fitting, material, appliance or apparatus that a section of this Order, or a provision of SOLAS, requires to be fitted or carried in a vessel; or
- (b) an arrangement that could be made or a procedure that could be followed, in or for a vessel, as an alternative to a requirement of this Order or SOLAS.

*use*, of an equivalent, includes:

- (a) fitting or carrying the equivalent in or on a vessel; and
- (b) making an alternative arrangement or following an alternative procedure.

## 6 Review of decisions

A decision under this Order, other than a decision under section 5 or 5A, is taken to be a reviewable decision for section 18 of *Marine Order 1 (Administration) 2011*.

*Note* A decision under section 5 or 5A is also a reviewable decision for *Marine Order 1 (Administration) 2011* because it is mentioned in section 16 of that Order.

**[11] Subsection 7.1.4***omit***[12] Subsection 7.2, footnote 8***substitute as note to subsection 7.2*

*Note* This document is in the Supplement to the International Maritime Dangerous Goods Code (*IMDG Code*). The IMDG Code as currently in force is available from the IMO (website — <http://www.imo.org>). Information about the IMDG Code as currently in force is available in a Marine Notice on AMSA's website at <http://www.amsa.gov.au>.

**[13] After subsection 9.2.1***insert*

9.2.1A An offence against subsection 9.2.1 is a strict liability offence.

9.2.1B A person is liable to a civil penalty if the person contravenes subsection 9.2.1.

Civil penalty: 50 penalty units.

**[14] After subsection 10.2***insert*

10.2A An offence against subsection 10.2 is a strict liability offence.

10.2B A person is liable to a civil penalty if the person contravenes subsection 10.2.

Civil penalty: 50 penalty units.

**[15] Further amendments**

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 1.1	ships	vessels
Subsection 1.1	Part	Order
Section 2, definition of <i>approved</i>	Inspections	Inspection and Registration
Section 3	Part	Order
Section 3	Code	International Grain Code
Subsection 3.2	Inspections	Inspection and Registration
Subsection 3.3	survey authority	recognised organisation
Subsection 4.2	Part	Order
Subsection 4.2	ship	vessel
Section 7	ship	vessel
Section 7	Code	International Grain Code
Subsection 7.1.1	this Part	this Order
Subsection 7.1.2, footnote 5	Code	International Grain Code
Subsection 7.1.3	a surveyor	an inspector
Subsection 7.3	<i>Code )</i>	<i>International Grain Code)</i>

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 7.3	Part	Order
Subsection 7.3	the Appendix	Schedule 1
Paragraph 7.3(b)	St Vincent's Gulf	Gulf St Vincent
Section 8	<i>Code)</i>	<i>International Grain Code)</i>
Section 8	Code	International Grain Code
Section 8	authorization	authorisation
Section 9	ship	vessel
Subsection 9.1.1	9.1.2	subsection 9.1.2
Subsection 9.1.1(k)	authorization	authorisation
Subsection 9.1.2	9.1.1	subsection 9.1.1
Subsection 9.1.2	A surveyor	An inspector
Section 9, footnote 9	Inspections	Inspection and Registration
Subsection 9.2	a surveyor	an inspector
Subsection 9.2.1	<u>This is a penal provision.</u>	Penalty: 50 penalty units.
Subsection 9.2.1	9.2.2	subsection 9.2.2
Paragraph 9.2.1(a)	9.1	subsection 9.1
Subsection 9.2.2	a surveyor	an inspector
Subsection 9.2.2	the surveyor	the inspector
Section 10	ship	vessel
Section 10, footnote 11	Inspections	Inspection and Registration
Subsection 10.1.1	10.1.1	subsection 10.1.1
Subsection 10.1.2	A surveyor	An inspector
Subsection 10.1.2	10.1.1	subsection 10.1.1
Subsection 10.2	10.3	subsection 10.3
Paragraph 10.2(a)	10.1	subsection 10.1
Paragraph 10.2(a)	a surveyor	an inspector
Subsection 10.2	<u>This is a penal provision.</u>	Penalty: 50 penalty units.
Subsection 10.3	a surveyor	an inspector
Subsection 10.3	the surveyor	the inspector
Appendix, heading	Appendix	Schedule 1
Appendix, clause 1	ship	vessel

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Appendix, clauses 1 and 2	ship's	vessel's
Appendix, subclauses 1.1.1 and 1.2.3	Appendix	Schedule
Appendix, subclause 1.2	authorization	authorisation
Appendix, subclause 1.2.3	1.2.2	subclause 1.2.2
Appendix, clause 2, heading	St Vincent's Gulf	Gulf St Vincent

#### [16] Further amendments — definitions

Each definition in section 2 (other than the definition of *document of authorisation*) is amended by:

- (a) omitting the concluding semi-colon and inserting a full stop; and
- (b) formatting the defined term in bold italic.

#### [17] Further amendments — footnotes

<i>footnote</i>	<i>instruction</i>
5	Relocate as a note at the foot of subsection 7.1.2
6	Relocate as a note at the foot of subsection 7.1.3
9	Relocate as note 1 at the foot of subsection 9.1.1
10	Relocate as note 2 at the foot of subsection 9.1.1
11	Relocate as note 1 at the foot of subsection 10.1.1
12	Relocate as note 2 at the foot of subsection 10.1.1
13	Relocate as a note under the heading to clause 1
14	Relocate as a note at the foot of subclause 1.1.1
15	Relocate as a note under the heading to clause 2

## Schedule 19 Marine Orders Part 34, issue 6

(section 3)

### [1] Subsection 1.2

*substitute*

#### 1.2 Power

- 1.2.1 Paragraph 340(1)(a) of the Navigation Act provides for regulations to give effect to SOLAS.
- 1.2.2 Subsection 112(5) of the Navigation Act provides that regulations may make provision for the loading, stowing or carriage of cargo in vessels, the unloading of cargo from vessels, and the giving of notices for the loading, or unloading, stowage or carriage of cargo into vessels.

- 1.2.3 Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to the Act.
- 1.2.4 Subsection 342(1) of the Navigation Act provides that AMSA may make orders about any matter for which provision must or may be made by regulations.

**[2] Section 2, definition of *IMDG Code***

*substitute*

***IMDG Code*** means the International Maritime Dangerous Goods Code.

*Note* The IMDG Code as currently in force is available from the IMO — see <http://www.imo.org>. Information about the IMDG Code as currently in force is available in a Marine Notice on AMSA's website at <http://www.amsa.gov.au>.

**[3] Section 2, definition of *IMSBC Code*, including the note**

*substitute*

***IMSBC Code*** means:

- (a) the *International Maritime Solid Bulk Cargoes Code 2012 edition and Supplement*, published by the IMO, or if that edition has been superseded — the latest edition of that document; and
- (b) the additional requirements mentioned in Schedule 1.

**[4] Section 2, definitions of *operator* and *surveyor***

*omit*

**[5] Section 2, notes 2 to 4**

*substitute*

*Note 2* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- General Manager, Ship Safety Division
- IMO
- Manager, Ship Inspection and Registration
- MARPOL
- Navigation Act
- Pollution Prevention Act
- SOLAS.

*Note 3* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- foreign vessel
- inspector
- International Maritime Dangerous Goods Code
- marine order
- recognised organisation
- regulated Australian vessel.

*Note 4* There is information on obtaining copies of IMO resolutions and documents mentioned in this Order on AMSA's website at <http://www.amsa.gov.au> or by email at [internationalrelations@amsa.gov.au](mailto:internationalrelations@amsa.gov.au).

**[6] Section 2, notes 4 and 5**

*omit*

**[7] Section 4**

*substitute*

**4 Application**

- (1) This Order applies to the loading, stowing, carriage and unloading of solid bulk cargoes in:
  - (a) a regulated Australian vessel; and
  - (b) a foreign vessel that is:
    - (i) in an Australian port; or
    - (ii) entering or leaving an Australian port; or
    - (iii) in the internal waters of Australia; or
    - (iii) in the territorial sea of Australia, other than in the course of innocent passage.
- (2) Section 15 also applies to any other vessel to which Part A-1 of Chapter VII of SOLAS applies.

**[8] After subsection 5.4**

*insert*

5.5 An offence against subsection 5.3 or 5.4 is a strict liability offence.

5.6 A person is liable to a civil penalty if the person contravenes subsection 5.3 or 5.4.

Civil penalty: 50 penalty units.

**[9] Section 6**

*substitute*

**6 Review of decisions**

A decision under this Order, other than a decision made under section 5, is taken to be a reviewable decision for section 18 of *Marine Order 1 (Administration) 2011*.

*Note* A decision made under section 5 is a reviewable decision because it is mentioned in section 16 of *Marine Order 1 (Administration) 2011*.

**[10] After subsection 7.6**

*insert*

7.7 An offence against subsection 7.1, 7.2, 7.4 or 7.6 is a strict liability offence.

7.8 A person is liable to a civil penalty if the person contravenes subsection 7.1, 7.2, 7.4 or 7.6.

Civil penalty: 50 penalty units.

**[11] After subsection 7A.3**

*insert*

7A.4 An offence against subsection 7A.3 is a strict liability offence.

7A.5 A person is liable to a civil penalty if the person contravenes subsection 7A.3.

Civil penalty: 50 penalty units.



**[12] After subsection 7B.8***insert*

7B.8A An offence against subsection 7B.1, 7B.2, 7B.3, 7B.6, 7B.7 or 7B.8 is a strict liability offence.

7B.8B A person is liable to a civil penalty if the person contravenes subsection 7B.1, 7B.2, 7B.3, 7B.6, 7B.7 or 7B.8.

Civil penalty: 50 penalty units.

**[13] After subsection 8.8***insert*

8.9 An offence against subsection 8.8 is a strict liability offence.

8.10 A person is liable to a civil penalty if the person contravenes subsection 8.9.

Civil penalty: 50 penalty units.

**[14] After subsection 8A.4***insert*

8A.5 An offence against subsection 8A.4 is a strict liability offence.

8A.6 A person is liable to a civil penalty if the person contravenes subsection 8A.4.

Civil penalty: 50 penalty units.

**[15] After subsection 9.1.3***insert*

9.1.4 An offence against subsection 9.1.1, 9.1.2 or 9.1.3 is a strict liability offence.

9.1.5 A person is liable to a civil penalty if the person contravenes subsection 9.1.1, 9.1.2 or 9.1.3.

Civil penalty: 50 penalty units.

**[16] After subsection 10.2***insert*

10.3 An offence against subsection 10.2 is a strict liability offence.

10.4 A person is liable to a civil penalty if the person contravenes subsection 10.2.

Civil penalty: 50 penalty units.

**[17] After subsection 11.1***insert*

11.1A An offence against subsection 11.1 is a strict liability offence.

11.1B A person is liable to a civil penalty if the person contravenes subsection 11.1.

Civil penalty: 50 penalty units.

**[18] Subsection 11.3, heading***substitute*

11.3 Approvals for regulated Australian vessels

**[19] After subsection 12.2***insert*

12.3 An offence against subsection 12.2 is a strict liability offence.

- 12.4 A person is liable to a civil penalty if the person contravenes subsection 12.2.  
Civil penalty: 50 penalty units.

**[20] After subsection 13.1.5**

*insert*

- 13.1.6 An offence against subsection 13.1.3 or 13.1.5 is a strict liability offence.  
13.1.7 A person is liable to a civil penalty if the person contravenes subsection 13.1.3 or 13.1.5.  
Civil penalty: 50 penalty units.

**[21] After subsection 13.3.3**

*insert*

- 13.3.4 An offence against subsection 13.3.3 is a strict liability offence.  
13.3.5 A person is liable to a civil penalty if the person contravenes subsection 13.3.3.  
Civil penalty: 50 penalty units.

**[22] After subsection 13.4.3**

*insert*

- 13.4.4 An offence against subsection 13.4.3 is a strict liability offence.  
13.4.5 A person is liable to a civil penalty if the person contravenes subsection 13.4.6.  
Civil penalty: 50 penalty units.

**[23] After subsection 14.3**

*insert*

- 14.4 An offence against subsection 14.3 is a strict liability offence.  
14.5 A person is liable to a civil penalty if the person contravenes subsection 14.3.  
Civil penalty: 50 penalty units.

**[24] Subsection 15.2**

*omit*

ship mentioned in provision 15.1

*insert*

vessel

**[25] After subsection 15.2**

*insert*

- 15.3 An offence against subsection 15.1 or 15.2 is a strict liability offence.  
15.4 A person is liable to a civil penalty if the person contravenes subsection 15.1 or 15.2.  
Civil penalty: 50 penalty units.

**[26] Further amendments**

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 1A	Orders Part 34, issue 6.	Order 34 (Solid bulk cargoes) 2007.
Section 2, definition of	Marine Orders, Part	Marine Order 32 (Cargo

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
<b><i>terminal representative</i></b> , note 1	32	<i>handling equipment) 2011</i>
Section 2	ship	vessel
Subsections 3.4 and 3.5	ship registered in Australia	regulated Australian vessel
Subsection 3.5	survey authority	recognised organisation
Section 5	ship	vessel
Subsection 5.1	<i>(Administration).</i>	<i>(Administration) 2011.</i>
Subsections 5.3, 5.4, 7.1, 7.2, 7.4 and 7.6	This is a penal provision.	Penalty: 50 penalty units.
Section 7	ship's	vessel's
Section 7	ship	vessel
Subsection 7.1	operator	owner
Sections 7A, 7B, 8, 8A and 9	ship	vessel
Subsections 7A.1, 7B.1, 7B.4, 7B.5, 7B.6, 7B.7, 7B.10, 8.4 and 9.1.2	provision	subsection
Subsections 7A.3, 7B.1 to 7B.3, 7B.6 to 7B.8, 8.8, 8A.4 and 9.1.1 to 9.1.3	This is a penal provision.	Penalty: 50 penalty units.
Subsections 7A.3, 7B.10, 8.1, 8.2, 8.5 and 8.7	surveyor	inspector
Subsection 8.3	ships	vessels
Subsection 8A.2	<i>Order 1</i>	<i>Order 1 (Administration) 2011</i>
Subsection 10.1	ship registered in Australia	regulated Australian vessel
Subsection 10.1	provision applies	section applies
Paragraph 10.1(b)	provision	subsection
Subsections 10.2 and 11.1	This is a penal provision.	Penalty: 50 penalty units.
Subsection 10.2	ship	vessel
Subsection 11.3.1	an Australian registered ship	a regulated Australian vessel
Sections 11, 12, 13, 14 and 16	ship	vessel
Subsection 11.2	Provision	Subsection
Subsection 11.3.2	<i>(Administration)</i>	<i>(Administration) 2011</i>
Subsection 11.3.2	master, owner or	master or owner

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
	operator	
Subsections 11.3.2, 12.2 and 15.2	provision	subsection
Subsection 11.3.3	<i>(Administration)</i>	<i>(Administration) 2011</i>
Subsections 12.2, 13.1.3, 13.1.5, 13.3.3, 13.4.3, 14.3, 15.1 and 15.2	This is a penal provision.	Penalty: 50 penalty units.
Subsection 13.1.1	A surveyor	An inspector
Subsection 13.1.2	13.1.1	subsection 13.1.1
Subsection 13.1.3	13.1.1	subsections 13.1.1
Subsections 13.1.2, 13.1.3, 13.1.4, 13.4.1 and 14.1	a surveyor	an inspector
Subsections 13.1.2, 13.1.4 and 14.1	the surveyor	the inspector
Subsection 13.3.1	13.1	subsection 13.1
Subsection 13.3.2	13.3.1	subsection 13.3.1
Subsection 13.3.3	13.3.2	subsection 13.3.2
Subsection 13.4.2	13.4.1	subsection 13.4.1
Subsection 13.4.3	13.4.2	subsection 13.4.2
Subsection 14.2	14.1	subsection 14.1
Subsection 14.3	14.2	subsection 14.2
Subsection 15.1	ship to which Part VI of the Navigation Act applies	vessel
Subsection 15.1	the ship must	the vessel must
Subsection 15.2	ship	vessel
Subsection 15.2	provision	subsection
Subsection 15.2	operator	owner
Section 16	ship's	vessel's
Schedule reference	provision	section

## Schedule 20 Marine Orders Part 35, issue 2

(section 3)

### [1] Before section 1

*insert*

### 1A Name of Order

This Order is *Marine Order 35 (Additional safety measures for bulk carriers) 2006*.

**[2] Subsection 1.2**

*substitute*

**1.2 Power**

- 1.2.1 Paragraph 340(1)(a) of the Navigation Act provides for regulations to be made to give effect to SOLAS.
- 1.2.2 Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to the Act.
- 1.2.3 Subsection 342(1) of the Navigation Act provides that AMSA may make orders about any matter for which provision must or may be made by regulations.

**[3] Section 2, heading**

*substitute*

**2 Definitions****[4] Section 2, definitions of AMSA, General Manager, IMO, Manager, Ship Inspections, Navigation Act, penal provision and SOLAS**

*omit*

**[5] Section 2, note at the foot**

*substitute*

*Note 1* There are no terms specifically defined for this Order.

*Note 2* Information on how to get a copy of an IMO document is available on AMSA's website <http://www.amsa.gov.au>, or by emailing [international.relations@amsa.gov.au](mailto:international.relations@amsa.gov.au).

*Note 3* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- IMO
- Navigation Act
- Manager, Ship Inspection and Registration

*Note 3* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- foreign vessel
- inspector
- Marine Order
- recognised organisation
- regulated Australian vessel
- vessel.

**[7] Subsection 3.4**

*omit*

**[8] Sections 4 to 6**

*substitute*

**4 Application**

This Order applies to a vessel to which Chapter XII of SOLAS applies that is:

- (a) a regulated Australian vessel; or

- (b) a foreign vessel:
- (i) in an Australian port; or
  - (ii) entering or leaving an Australian port; or
  - (iii) in the internal waters of Australia; or
  - (iv) in the territorial sea of Australia, other than in the course of innocent passage.

## 5 Exemptions

- 5.1 A person may apply, in accordance with the application process mentioned in *Marine Order 1 (Administration) 2011*, for an exemption of a vessel from a requirement of this Order.
- 5.2 The decision maker for the application is the Manager, Ship Inspection and Registration.
- 5.3 AMSA must not grant an exemption if it would contravene SOLAS.

*Note* *Marine Order 1 (Administration) 2011* deals with the following matters about exemptions and equivalents:

- making an application
- seeking further information about an application
- the time allowed for consideration of an application
- imposing conditions on approval of an application
- notification of a decision on an application
- review of decisions.

## 6 Equivalentents

- 6.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for approval to use an equivalent.
- Note* For definitions of *equivalent* and *use* — see subsection 6.4.
- 6.2 The decision maker for the application is the Manager, Ship Inspection and Registration.
- 6.3 The decision maker may approve use of an equivalent only if he or she is satisfied that use of the equivalent:
- (a) would be at least as effective as compliance with the requirement to which the equivalent is an alternative; and
  - (b) would not contravene SOLAS.
- 6.4 In this section:

*equivalent* means:

- (a) a fitting, material, appliance or apparatus that could be fitted or carried in a vessel as an alternative to a fitting, material, appliance or apparatus that a provision of this Order requires to be fitted or carried in the vessel; or
- (b) an arrangement that could be made, or a procedure that could be followed, in or for a vessel as an alternative to a requirement of this Order.

*use*, of an equivalent, includes:

- (a) fitting or carrying the equivalent in or on a vessel; and
- (b) making an alternative arrangement or following an alternative procedure.

**[9] After subsection 7.2.1***insert*

7.2.1A An offence against subsection 7.2.1 is a strict liability offence.

7.2.1B A person is liable to a civil penalty if the person contravenes subsection 7.2.1.

Civil penalty: 50 penalty units.

**[10] After subsection 7.2.2***insert*

7.2.2A An offence against subsection 7.2.2 is a strict liability offence.

7.2.2B A person is liable to a civil penalty if the person contravenes subsection 7.2.2.

Civil penalty: 50 penalty units.

**[11] Subsection 7.2.3***omit*

Provision 7 of Marine Orders Part 34

*insert*section 7 of *Marine Order 34 (Solid bulk cargoes) 2007***[12] Further amendments**

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 1.1	Part of Marine Orders	Order
Section 3	Part	Order
Subsection 3.2	ship	vessel
Subsection 3.3	Manager Ship Inspection	Manager Ship Inspection and Registration
Section 7	an Australian registered ship	a regulated Australian vessel
Section 7	An Australian registered ship	A regulated Australian vessel
Subsections 7.2.1 and 7.2.2	ship	vessel
Subsections 7.2.1 and 7.2.2	<u>This is a penal provision</u>	Penalty: 50 penalty units.

**Schedule 21 Marine Orders Part 41, issue 10**

(section 3)

**[1] Before section 1***insert***1A Name of Order**This Order is *Marine Order 41 (Carriage of dangerous goods) 2009*.

**[2] Paragraph 1.1(b)**

*substitute*

(b) provides for the following matters:

- (i) carriage on vessels of cargo, including the loading, stowage, carriage and unloading of cargo, under subsection 112(4) of the Navigation Act;
- (ii) carriage of dangerous goods in vessels, under subsection 112(6) of the Navigation Act;
- (iii) giving notice of intention to ship dangerous goods in vessels, under subsection 119(1) of the Navigation Act.

**[3] Subsection 1.2.3**

*substitute*

1.2.3 Subsection 342(1) of the Navigation Act provides that AMSA may make orders about any matter for which provision may or must be made by regulation.

**[4] Section 2, heading**

*substitute*

**2 Definitions**

**[5] Section 2, definitions of AMSA, cargo, dangerous goods and General Manager**

*omit*

**[6] Section 2, definitions of IMDG Code and IMO**

*substitute*

**IMDG Code** means the International Maritime Dangerous Goods Code.

*Note 1* **International Maritime Dangerous Goods Code** is defined in the Navigation Act.

*Note 2* For the text of the IMDG Code — see <http://www.imo.org>. Information about the IMDG Code is available in a Marine Notice on AMSA's website at <http://www.amsa.gov.au>.

**IMSBC Code** has the same meaning it has in *Marine Order 34 (Solid bulk cargoes) 2007*.

**[7] Section 2, definitions of Manager, Ship Inspections, MARPOL, Navigation Act and operator**

*omit*

**[8] Section 2, definitions of penal provision and person in charge**

*substitute*

**person in charge** means the person in charge for *Marine Order 32 (Cargo Handling Equipment) 2011*.

**[9] Section 2, definitions of SOLAS, survey authority and surveyor**

*omit*



**[10] Section 2, after definition of *underdeck space***

*insert*

*Note 1* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- General Manager, Ship Safety Division
- IMO
- Manager, Ship Inspection and Registration
- MARPOL
- Navigation Act
- SOLAS.

*Note 1* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- master
- seafarer
- inspector.

**[11] Subsection 3.1**

*substitute*

3.1 For this Order, in regulation 5 of Chapter VII of SOLAS, ***approved by the Administration*** means:

- (a) for a regulated Australian vessel — approved by the Manager, Ship Inspection and Registration or a recognised organisation; and
- (b) for a foreign vessel — approved by or for the Administration of the country where the vessel is registered.

**[12] Paragraph 4.1(a)**

*substitute*

- (a) the carriage of dangerous goods in:
  - (i) a regulated Australian vessel; and
  - (ii) a foreign vessel:
    - (A) in an Australian port; or
    - (B) entering or leaving an Australian port; or
    - (C) in the internal waters of Australia; or
    - (D) in the territorial sea of Australia, other than in the course of innocent passage; and

**[13] Sections 5 to 7**

*substitute*

**5 Modifications**

- 5.1 A person may apply, in accordance with the application process mentioned in *Marine Order 1 (Administration) 2011*, for the modification of a requirement of this Order.
- 5.2 The decision maker for the application is the Manager, Ship Inspection and Registration.

5.3 The decision maker may allow a modification only if he or she is satisfied that allowing the modification would not:

- (a) endanger person or property; or
- (b) contravene SOLAS.

*Note* *Marine Order 1 (Administration) 2011* deals with the following matters about exemptions and other matters referred to in it:

- making an application
- seeking further information about an application
- the time allowed for consideration of an application
- imposing conditions on approval of an application
- notification of a decision on an application
- review of decisions.

## 5A Exemptions

5A.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for an exemption of a vessel from a requirement of this Order.

5A.2 The decision maker for the application is the Manager, Ship Inspection and Registration.

5A.3 The decision maker may give an exemption only if he or she is satisfied that:

- (a) requiring compliance with the requirement would be unreasonable; and
- (b) giving the exemption would not contravene SOLAS.

## 6 Review of decisions

A decision under this Order, other than a decision under section 5 or 5A, is taken to be a reviewable decision for section 18 of *Marine Order 1 (Administration) 2011*.

*Note* A decision under section 5 or 5A is also a reviewable decision for *Marine Order 1 (Administration) 2011* because it is mentioned in section 16 of that Order.

## 7 Requirements for dangerous goods and their packing, stowing and carriage

For subsection 112(6) of the Navigation Act, packing, stowing and carriage of dangerous goods must comply with the following requirements:

- (a) Parts A and D of Chapter VII of SOLAS;
- (b) the provisions of the IMDG Code that are expressed by the Code to be mandatory;
- (c) Schedule 1;
- (d) for goods to which the INF Code applies — the INF Code.

*Note 1* There may be additional requirements under the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*, and *Marine Order 94 (Marine pollution prevention — packaged harmful substances) 2009*, which give effect to the dangerous goods aspects of MARPOL.

*Note 2* Section 267 of the Navigation Act provides that an inspector may give a prohibition notice to the responsible person of a vessel about an activity involving a serious risk to the health or safety of a person.

*Note 3* If a vessel is required by SOLAS II-2/54.3 or SOLAS II-2/19.4, as appropriate, to carry a Document of Compliance for the carriage of dangerous goods, dangerous goods not carried in accordance with the Document of Compliance may be regarded as endangering the safety of the vessel.

*Note 4* See section 11 for further information about the powers of inspectors under section 260 of the Navigation Act to inspect vessels, premises and documentation. Failure to take reasonable steps to facilitate the boarding of a vessel by an inspector is an offence under subsection 258(4) of the Navigation Act.

*Note 5* Division 4 of Chapter 3 of the Navigation Act sets out various offences in relation to dangerous goods.

**[14] Subsection 9.1.1, including the note**

*substitute*

9.1.1 For subsection 119(1) of the Navigation Act, this section specifies the following matters about the notice of intention to ship dangerous goods that is required to be given before any dangerous goods are shipped in a vessel:

- (a) the manner of giving the notice;
- (b) the person to whom the notice must be given.

*Note* Subsection 119(2) of the Navigation Act provides that contravention of subsection 119(1) of the Navigation Act is an offence with a penalty of imprisonment for 12 months or 60 penalty units, or both.

**[15] After subsection 9.1.5**

*insert*

9.1.5A An offence against subsection 9.1.5 is a strict liability offence.

9.1.5B A person is liable to a civil penalty if the person contravenes subsection 9.1.5.  
Civil penalty: 50 penalty units.

**[16] After subsection 9.1.7**

*insert*

9.1.8 An offence against subsection 9.1.7 is a strict liability offence.

9.1.9 A person is liable to a civil penalty if the person contravenes subsection 9.1.7.  
Civil penalty: 50 penalty units.

**[17] After subsection 10.1**

*insert*

10.1.2 An offence against subsection 10.1.1 is a strict liability offence.

10.1.3 A person is liable to a civil penalty if the person contravenes subsection 10.1.1.  
Civil penalty: 50 penalty units.

**[18] After subsection 10.2**

*insert*

10.2.2 An offence against subsection 10.2.1 is a strict liability offence.

10.2.3 A person is liable to a civil penalty if the person contravenes subsection 10.2.1.  
Civil penalty: 50 penalty units.

**[19] After subsection 10.3**

*insert*

10.3.2 An offence against subsection 10.3.1 is a strict liability offence.

10.3.3 A person is liable to a civil penalty if the person contravenes subsection 10.3.1.  
Civil penalty: 50 penalty units.

**[20] Subsection 11.1, note**

*substitute*

*Note* To enable AMSA to carry out this function, under section 260 of the Navigation Act, inspectors have wide powers to inspect vessels, premises and documentation. Failure to take reasonable steps to facilitate the boarding of a vessel by an inspector is an offence under subsection 258(4) of the Navigation Act.

**[21] After section 11**

*insert*

11.7 An offence against subsection 11.3 or 11.6 is a strict liability offence.

11.8 A person is liable to a civil penalty if the person contravenes subsection 11.3 or 11.6.

Civil penalty: 50 penalty units.

**[22] After section 12**

*insert*

12.3 An offence against subsection 12.1 or 12.2 is a strict liability offence.

12.4 A person is liable to a civil penalty if the person contravenes subsection 12.1 or 12.2.

Civil penalty: 50 penalty units.

**[23] After section 13**

*insert*

13.3 An offence against subsection 13.1 or 13.2 is a strict liability offence.

13.4 A person is liable to a civil penalty if the person contravenes subsection 13.1 or 13.2.

Civil penalty: 50 penalty units.

**[24] After section 13**

*insert*

**14 Carrying dangerous goods in packaged form or in solid form in bulk — certificates**

14.1 The master of a vessel must not permit dangerous goods in packaged form or in solid form in bulk to be loaded onto a vessel if each certificate mentioned in subsection 14.5 is not in force for the vessel.

14.2 The owner of a vessel must ensure that dangerous goods in packaged form or in solid form in bulk are not loaded onto the vessel if each certificate mentioned in subsection 14.5 is not in force for the vessel.

14.3 An offence against subsection 14.1 or 14.2 is a strict liability offence.

14.4 A person is liable to a civil penalty if the person contravenes subsection 14.1 or 14.2.

Civil penalty: 50 penalty units.

14.5 For subsections 14.1 and 14.2, the certificates are:

- (a) a Cargo Ship Safety Construction Certificate mentioned in *Marine Order 31 (Ship surveys and certification) 2006*; and
- (b) a document of compliance to carry dangerous goods, in accordance with Regulation 19.4 of Chapter II-2 of SOLAS.

- 14.6 For subsection 99(1) of the Navigation Act, each kind of certificate mentioned in subsection 14.5 is a safety certificate.
- 14.7 For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of a safety certificate mentioned in subsection 14.5 for a regulated Australian vessel are:
- (a) for a Cargo Ship Safety Construction Certificate — the criteria mentioned for the certificate in *Marine Order 31 (Ship surveys and certification) 2006*; and
  - (b) for a document of compliance to carry dangerous goods:
    - (i) the criteria mentioned in paragraph (a); and
    - (ii) that the vessel is suitable for carriage of the classes of dangerous goods mentioned in tables 19.1, 19.2 and 19.3 of Regulation 19 of Chapter II-2 of SOLAS; and
    - (iii) that the vessel complies with the IMDG Code and the IMSBC Code for the substances, materials or articles that it is to carry.
- 14.8 For paragraph 314(3)(h) of the Navigation Act, a safety certificate mentioned in subsection 14.5 ceases to be in force at the earlier of:
- (a) the end of the period mentioned in the certificate; or
  - (b) when it is revoked.
- 14.9 For subsection 101(1) of the Navigation Act, the criteria for variation of a safety certificate mentioned in subsection 14.5 are the criteria mentioned in paragraph 23(b) of *Marine Order 31 (Ship surveys and certification) 2006*.
- 14.10 For subsection 102 of the Navigation Act, the criteria for revocation of a safety certificate mentioned in subsection 15.5 are the criteria mentioned in paragraph 23(c) of *Marine Order 31 (Ship surveys and certification) 2006*.

#### [25] Further amendments — definitions

Each definition in section 2 (other than the definitions of *IMDG Code* and *person in charge*) is amended by:

- (a) for definitions other than the definition of *underdeck space* — omitting the concluding semi-colon and inserting a full stop; and
- (b) formatting the defined term in bold italic.

#### [26] Further amendments

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Paragraph 1.1	Part of Marine Orders	Order
Subparagraph 1.1(a)(ii)	ships	vessels
Subsection 1.2.1	Section 191 of the Navigation Act provides	Paragraphs 98(2)(a) and 340(1)(a) of the Navigation Act provide
Subsection 1.2.2	425 (1)	339(1)
Section 2, opening words	Part	Order
Section 2, definition of <i>accepted training course</i>	Inspections	Inspection and Registration
Section 2, definition of	Part	Order

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
<b><i>accepted training course</i></b>		
Section 2, definition of <b><i>INF Code</i></b> , note 1	ships	vessels
Section 2, definition of <b><i>INF Code</i></b> , note 1	ship	vessel
Subsection 3.2	Inspections	Inspection and Registration
Subsection 3.2	Part	Order
Subsection 3.3	this Part	this Order
Subsection 3.4	Part	Order
Section 4	Part	Order
Subsection 4.1	4.2	subsection 4.2
Paragraph 4.1(b)	ships	vessels
Paragraph 4.2(a)	ship	vessel
Subsection 8.2	8.1	subsection 8.1
Subsection 8.2, note 2	Inspections	Inspection and Registration
Subsection 9.1.2	ship	vessel
Paragraph 9.1.2(c)	a surveyor	an inspector
Paragraph 9.1.2(c)	the surveyor	the inspector
Subsection 9.1.2, note 3	Part	Order
Subsection 9.1.2, note 3	provision	section
Subsection 9.1.3	provision	subsection
Subparagraph 9.1.3(a)(ii)	ship	vessel
Paragraph 9.1.3(b)	ship	vessel
Paragraph 9.1.3(c)	a surveyor	an inspector
Paragraph 9.1.3(c)	the surveyor	the inspector
Subsection 9.1.4	ship	vessel
Subsection 9.1.5	a surveyor	an inspector
Subsection 9.1.5	provision	subsection
Subsection 9.1.5	ship	vessel
Subsection 9.1.5	This is a penal provision.	Penalty: 50 penalty units.
Subsection 9.1.5, note 1	ship's	vessel's
Subsection 9.1.5, note 1	surveyor	inspector
Subsection 9.1.6	9.1.5	subsection 9.1.5

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 9.1.6	ship	vessel
Paragraph 9.1.6(b)	ship's	vessel's
Subsection 9.1.7	a surveyor	an inspector
Subsection 9.1.7	ship	vessel
Subsection 9.1.7	This is a penal provision.	Penalty: 50 penalty units.
Subsection 9.2.2	Provision	Subsection
Subsection 9.2.3	provision	subsection
Paragraph 9.2.3(b)	a surveyor	an inspector
Paragraph 9.2.3(b)	the surveyor	the inspector
Subsection 10.1	If	10.1.1 If
Subsection 10.1	ship	vessel
Paragraph 10.1(b)	a surveyor	an inspector
Subsection 10.1	This is a penal provision.	Penalty: 50 penalty units.
Subsection 10.1, note 1	in this provision	mentioned in this subsection
Subsection 10.1, note 1	Marine Orders Part 32 (Cargo Handling Equipment).	<i>Marine Order 32 (Cargo Handling Equipment) 2011.</i>
Subsection 10.2	If	10.2.1 If
Subsection 10.2	ship	vessel
Subsection 10.2	a surveyor	an inspector
Subsection 10.2	This is a penal provision.	Penalty: 50 penalty units.
Subsection 10.3	If	10.3.1 If
Subsection 10.3	board ship	board a vessel
Subsection 10.3	ship	vessel
Subsection 10.3	This is a penal provision.	Penalty: 50 penalty units.
Section 11	A surveyor	An inspector
Section 11	a surveyor	an inspector
Subsection 11.3	11.2	subsection 11.2
Subsection 11.3	This is a penal provision.	Penalty: 50 penalty units.
Subsection 11.4	ship	vessel
Subsection 11.5	ship	vessel

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 11.5	the surveyor	the inspector
Subsection 11.6	ship	vessel
Subsection 11.6	provision	subsection
Subsection 11.6	This is a penal provision.	Penalty: 50 penalty units.
Section 12	ship	vessel
Subsection 12.1	operator	owner
Subsection 12.1	This is a penal provision.	Penalty: 50 penalty units.
Subsection 12.1, note	provision	section
Subsection 12.2	ship's operator	vessel's owner
Subsection 12.2	This is a penal provision.	Penalty: 50 penalty units.
Section 13	ship	vessel
Subsection 13.1, note	Marine Orders Part 94 (Marine Pollution Prevention — Packaged Harmful Substances)	<i>Marine Order 94 (Marine pollution prevention — packaged harmful substances) 2009</i>
Subsection 13.1, note	provision	subsection
Subsection 13.1	This is a penal provision.	Penalty: 50 penalty units.
Subsection 13.2	provision	subsection
Subsection 13.2	This is a penal provision.	Penalty: 50 penalty units.
Appendix 1, heading	Appendix	Schedule
Appendix 1, clause 1	Appendix	Schedule
Appendix 1, clause 1	ship	vessel
Appendix 1, subclause 3.2	Inspections	Inspection and Registration
Appendix 1, subclause 5.1.1, definition of <b>authorized body</b>	survey authority	recognised organisation
Appendix 1, subclause 5.1.1, definitions of <b>national material standards</b> and <b>recognised pressure vessel code</b>	Inspections	Inspection and Registration
Appendix 1, subclause 5.2	this Part	this Order



<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Appendix 1, paragraph 5.2(a)	Marine Orders Part 44 (Safe Containers)	<i>Marine Order 44 (Safe containers) 2002</i>
Appendix 1, paragraph 5.2(b)	Marine Orders Part 32 (Cargo Handling Equipment)	<i>Marine Order 32 (Cargo handling equipment) 2011</i>
Appendix 1, subclause 7.2.1	a surveyor	an inspector
Appendix 1, subclause 7.2.2	a surveyor	an inspector
Appendix 1, subclause 7.2.3	Inspections	Inspection and Registration
Appendix 1, subclause 7.2.3, note 3	a surveyor	an inspector
Appendix 1, subclause 7.3	a surveyor	an inspector
Appendix 1, subclause 7.3	Inspections	Inspection and Registration
Appendix 1, subclause 8.1	ship	vessel
Appendix 1, paragraph 8.2.2 (b)	a surveyor	an inspector
Appendix 1, subclause 8.3.1	ship	vessel

## Schedule 22 Marine Orders Part 42, issue 2

(section 3)

### [1] Section 1

*substitute*

#### 1 Name of Order

This Order is *Marine Order 42 (Cargo stowage and securing) 2003*.

#### 1A Purpose

This Order gives effect to the following provisions of SOLAS:

- (a) Regulation 22 (Navigation Bridge Visibility) in Chapter V;
- (b) Regulation 2 (Cargo Information) in Chapter VI;
- (c) Regulation 5 (Stowage and Securing) in Chapter VI.

#### 1B Power

- 1B.1 Paragraph 340(1)(a) of the Navigation Act allow for the making of regulations to give effect to SOLAS.

- 1B.2 Subsection 112(4) of the Navigation Act provides for regulations to provide for stowing and carriage in vessels of cargo.
- 1B.3 Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed or that are necessary or convenient to be prescribed for carrying out or giving effect to the Navigation Act.
- 1B.4 Subsection 342(1) of the Navigation Act provides that AMSA may make orders about any matter for or in relation to which provision may be made by regulation.

**[2] Section 2**

*omit everything before definition of cargo transport unit, insert*

**2 Definitions**

2.1 In this Order:

*approved* means:

- (a) for a regulated Australian vessel — approved by the Manager, Ship Inspection and Registration or a recognised organisation; or
- (b) for a foreign vessel — approved by or for the Administration of the foreign country.

**[3] Section 2, definitions of Chief Marine Surveyor and General Manager**

*omit*

**[4] Section 2, definition of IMDG Code**

*substitute*

**IMDG Code** means the International Maritime Dangerous Goods Code.

*Note 1* **International Maritime Dangerous Goods Code** is defined in the Navigation Act.

*Note 2* For the text of the IMDG Code — see <http://www.imo.org>. Information about the IMDG Code is available in a Marine Notice on AMSA's website at <http://www.amsa.gov.au>.

**[5] Section 2, definitions of IMO, length, penal provision, SOLAS, survey authority, surveyor and surveyor-in-charge**

*omit*

**[6] Section 2, at the foot**

*insert*

*Note 2* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- General Manager, Ship Safety Division
- length
- Manager, Ship Inspection and Registration
- Navigation Act
- SOLAS.

*Note 3* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- inspector
- master.

**[7] Subsection 3.2**

*omit*

**[8] Subsection 4.1**

*substitute*

4.1 This Order applies to:

- (a) the stowing and securing of cargoes in:
  - (i) a regulated Australian vessel; and
  - (ii) a foreign vessel:
    - (A) in an Australian port; or
    - (B) entering or leaving an Australian port; or
    - (C) in the internal waters of Australia; or
    - (D) in the territorial sea of Australia, other than in the course of innocent passage; and
- (b) a cargo unit or cargo transport unit packed or being packed for transport on a vessel mentioned in paragraph (a).

**[9] Sections 5 and 6**

*substitute*

**5 Equivalentents**

- 5.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for approval to use an equivalent.
- Note* For definitions of **equivalent** and **use** — see subsection 5.4.
- 5.2 The decision maker for the application is the Manager, Ship Inspection and Registration.
- 5.3 The decision maker may approve use of an equivalent only if:
- (a) he or she is satisfied that use of the equivalent would be at least as effective as compliance with the requirement to which the equivalent is an alternative; and
  - (b) use of the equivalent would not contravene SOLAS.
- 5.4 For this section:
- equivalent** means:
- (a) a fitting, material, appliance or apparatus that could be fitted or carried in a vessel as an alternative to a fitting, material, appliance or apparatus that a provision of this Order, the CSS Code or the TDC Code requires to be fitted or carried in the vessel; or
  - (b) an arrangement that could be made, or a procedure that could be followed, for a vessel, its equipment or cargo as an alternative to a requirement of this Order, the CSS Code or the TDC Code.
- use**, of an equivalent, includes:
- (a) for a fitting, material, appliance or apparatus — fitting or carrying it in or on a vessel; and

- (b) for an arrangement or procedure — making the arrangement or following the procedure.

*Note* *Marine Order 1 (Administration) 2011* deals with the following matters about equivalents and exemptions:

- making an application
- seeking further information about an application
- the time allowed for consideration of an application
- imposing conditions on approval of an application
- notification of a decision on an application
- review of decisions.

## **5A Exemptions**

- 5A.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for an exemption of a vessel from a requirement of this Order, the CSS Code or the TDC Code.
- 5A.2 The decision maker for the application is the Manager, Ship Inspection and Registration.
- 5A.3 The decision maker may give an exemption only if he or she is satisfied that:
- (a) requiring compliance with the requirement would be unreasonable or impracticable; and
  - (b) giving the exemption would not contravene SOLAS.

## **6 Review of decisions**

A decision under this Order, other than a decision under section 5 or 5A, is taken to be a reviewable decision for section 18 of *Marine Order 1 (Administration) 2011*.

*Note* A decision under section 5 or 5A is also a reviewable decision for *Marine Order 1 (Administration) 2011* because it is mentioned in section 16 of that Order.

### **[10] After subsection 7.2**

*insert*

- 7.3 An offence against subsection 7.2 is a strict liability offence.
- 7.4 A person is liable to a civil penalty if the person contravenes subsection 7.2.  
Civil penalty: 50 penalty units.

### **[11] After section 9**

*insert*

- 9.2 An offence against subsection 9.1 is a strict liability offence.
- 9.3 A person is liable to a civil penalty if the person contravenes subsection 9.1.  
Civil penalty: 50 penalty units.

### **[12] After subsection 10.5**

*insert*

- 10.5.2 An offence against subsection 10.5.1 is a strict liability offence.
- 10.5.3 A person is liable to a civil penalty if the person contravenes subsection 10.5.1.  
Civil penalty: 50 penalty units.

**[13] After subsection 10.6.1***insert*

10.6.1A An offence against subsection 10.6.1 is a strict liability offence.

10.6.1B A person is liable to a civil penalty if the person contravenes subsection 10.6.1.

Civil penalty: 50 penalty units.

**[14] After subsection 11.3***insert*

11.4 An offence against subsection 11.3 is a strict liability offence.

11.5 A person is liable to a civil penalty if the person contravenes subsection 11.3.

Civil penalty: 50 penalty units.

**[15] After subsection 12.1.3***insert*

12.1.4 An offence against subsection 12.1.3 is a strict liability offence.

12.1.5 A person is liable to a civil penalty if the person contravenes subsection 12.1.3.

Civil penalty: 50 penalty units.

**[16] Paragraph 13(a)***omit*

passenger or crew

**[17] Further amendments**

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 2.1, definition of <i>cargo unit</i>	ship	vessel
Subsection 2.1, definition of <i>ro-ro space</i>	ship	vessel
Subsection 3.1	Part	Order
Subsection 3.3, including footnote 6	Part	Order
Subsection 3.3	Chief Marine Surveyor	Manager, Ship Inspection and Registration
Subsection 4.2	Part	Order
Subsection 7.1	ship	vessel
Subsection 7.1	surveyor-in-charge	inspector
Paragraph 7.1(a)	ship's	vessel's
Subsection 7.2	7.1	subsection 7.1
Subsection 7.2	<u>This is a penal provision.</u>	Penalty: 50 penalty units.
Subsection 8.1.1	8.2	subsection 8.2
Subsection 8.1.2	8.1.1	subsection 8.1.1

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 8.1.2	ship	vessel
Subsection 8.2	ship	vessel
Section 9	A	9.1 A
Section 9	ship	vessel
Section 9	Part	Order
Section 9	<u>This is a penal provision.</u>	Penalty: 50 penalty units.
Section 10	ship	vessel
Subsection 10.4	ships	vessels
Subsection 10.5	A	10.5.1 A
Subsection 10.5	Marine Orders, Part 44 (Safe Containers).	<i>Marine Order 44 (Safe Containers) 2012.</i>
Subsection 10.5	<u>This is a penal provision.</u>	Penalty: 50 penalty units.
Subsection 10.6.1	<u>This is a penal provision</u>	Penalty: 50 penalty units
Subsection 10.6.2	ship's	vessel's
Subsection 10.6.2, footnote 12	10.6.2	subsection 10.6.2
Section 11	Chief Marine Surveyor	Manager, Ship Inspection and Registration
Subsection 11.2	ship	vessel
Subsection 11.3	<u>This is a penal provision.</u>	Penalty: 50 penalty units.
Section 12	ship	vessel
Subsection 12.1	Part	Order
Subsection 12.1.1	A surveyor	An inspector
Subsections 12.1.2 and 12.1.3	the surveyor	the inspector
Subsection 12.1.2	a surveyor	an inspector
Subsection 12.1.2	12.1.1	subsection 12.1.1
Subsection 12.1.3	12.1.1	subsections 12.1.1
Subsection 12.1.3	<u>This is a penal provision.</u>	Penalty: 50 penalty units.
Subsection 12.2	Chief Marine Surveyor	Manager, Ship Inspection and Registration
Section 13	ship	vessel
Paragraph 13(a)	life-saving	lifesaving

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Paragraph 13(b)	crew	seafarer
Section 14	ship	vessel
Paragraph 14.1(b)	(a)	paragraph (a)
Paragraph 14.1(f)	ship's	vessel's
Subsection 14.2	14.1(a)	paragraphs 14.1(a)

### [18] Further amendments — footnotes

<i>footnote</i>	<i>instruction</i>
2	Re-locate as a note at the foot of definition of <b><i>CSS Code</i></b> in section 2
5	Re-locate as note 1 at the foot of definition of <b><i>TDC Code</i></b> in section 2
6	Re-locate as a note at the foot of subsection 3.3
8	Re-locate as a note at the foot of subsection 8.1.2
9	Re-locate as a note at the foot of subsection 10.2
10	Re-locate as a note at the foot of subsection 10.4
11	Re-locate as a note at the foot of subsection 10.6.1
12	Re-locate as a note at the foot of subsection 10.6.2
13	Re-locate as a note at the foot of section 13

*Note* Footnotes not mentioned in this item are omitted as a consequence of the text to which they relate being omitted.

### [19] Further amendments — definitions

Each definition in section 2 (other than the definitions of ***approved*** and ***IMDG Code***) is amended by:

- (a) omitting the concluding semi-colon and inserting a full stop; and
- (b) formatting the defined term in bold italic.

## Schedule 23 Marine Orders Part 43, issue 6

(section 3)

### [1] Section 1

*substitute*

#### 1 Name of Order

This Order is *Marine Order 43 (Cargo & cargo handling — livestock) 2006*.

#### 1A Purpose

This Order:

- (a) makes provision for the certification of vessels engaged in the carriage of livestock cargoes; and

- (b) specifies requirements concerning the stowage and carriage of such cargoes for the safe operation of vessels.

## **1B Power**

- 1B.1 Section 98 of the Navigation Act provides that the regulations may provide for safety certificates.
- 1B.2 Subsection 112(4) of the Navigation Act provides that the regulations may provide for the carriage on a vessel of cargo and livestock.
- 1B.3 Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act.
- 1B.4 Paragraph 339(2)(i) of the Navigation Act provides that the regulations may provide for maintenance, testing, survey and certification of vessels.
- 1B.5 Subsection 342(1) of the Navigation Act provides that AMSA may make orders for which provision may be made by regulation.

## **[2] Section 2, heading**

*substitute*

## **2 Definitions**

In this Order:

## **[3] Section 2, definitions of *AMSA* and *classification society***

*omit*

## **[4] Section 2, definitions of *General Manager* and *IMO***

*substitute*

***IMDG Code*** means the International Maritime Dangerous Goods Code.

*Note* The IMDG Code as currently in force is available from the IMO — see <http://www.imo.org>. Information about the IMDG Code as currently in force is available in a Marine Notice on AMSA's website at <http://www.amsa.gov.au>.

## **[5] Section 2, definitions of *Manager*, *Ship Inspections*, *MARPOL 73/78*, *Navigation Act*, *operator*, *penal provision*, *SOLAS* and *surveyor***

*omit*

## **[6] Section 2, at the foot**

*insert*

*Note 1* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- General Manager, Ship Safety Division
- IMO
- Manager, Ship Inspection and Registration
- MARPOL
- Navigation Act
- SOLAS.

*Note 2* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- foreign vessel



- inspector
- owner
- recognised organisation
- regulated Australian vessel
- International Maritime Dangerous Goods Code.

**[7] Subsection 3.4**

*omit*

**[8] Sections 4 to 6**

*substitute*

**4 Application**

**4.1** This Order applies to:

- (a) a regulated Australian vessel on which it is intended to take on, that is taking on, has on board or is carrying livestock between ports, wherever those ports are located; and
- (b) a foreign vessel on which it is intended to take on, that is taking on, or has on board livestock at any port in Australia or that is carrying livestock to sea from any port in Australia.

**4.2** However, this Order does not apply to a vessel if:

- (a) it arrives at a port in Australia carrying livestock loaded at a port outside Australia; and
- (b) an inspector is satisfied that the provisions of this Order are being substantially complied with for the livestock.

**5 Modifications**

5.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for the modification of a requirement of this Order, other than a requirement of subsection 10.5.

5.2 The decision maker for the application is the Manager, Ship Inspection and Registration.

5.3 The Manager, Ship Inspection and Registration may allow a modification only if he or she is satisfied that:

- (a) compliance with the requirement would be unnecessary or unreasonable having regard to the vessel, its equipment and its intended voyage; and
- (b) allowing the modification would not contravene SOLAS.

*Note* *Marine Order 1 (Administration) 2011* deals with the following matters about exemptions and other matters mentioned in it:

- making an application
- seeking further information about an application
- the time allowed for consideration of an application
- imposing conditions on approval of an application
- notification of a decision on an application
- review of decisions.

**5A Equivalentents**

- 5A.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for approval to use an equivalent.  
*Note* For definitions of *equivalent* and *use* — see subsection 5A.4.
- 5A.2 The decision maker for the application is the Manager, Ship Inspection and Registration.
- 5A.3 The Manager, Ship Inspection and Registration may approve use of an equivalent only if he or she is satisfied that:
- use of the equivalent would be at least as effective as compliance with the requirement to which the equivalent is an alternative; and
  - approving use of the equivalent would not contravene SOLAS; and
  - approving the equivalent would not contravene subsection 10.5.
- 5A.5 In this section:  
*equivalent* means:
- a fitting, material, appliance or apparatus that could be fitted or carried in a vessel as an alternative to a fitting, material, appliance or apparatus that a provision of this Order requires to be fitted or carried in the vessel; or
  - an arrangement that could be made, or a procedure that could be followed, in or for a vessel as an alternative to a requirement of this Order.
- use*, of an equivalent, includes:
- fitting or carrying the equivalent in or on a vessel; and
  - making an alternative arrangement or following an alternative procedure.

**6 Review of decisions**

A decision under subsections 7.3.1, 21.4, 24.4, 32.2, 34.3.2, 37.9 or 38.1 of this Order is taken to be a reviewable decision for section 18 of *Marine Order 1 (Administration) 2011*.

*Note* Section 313 of the Navigation Act provides for review by the Administrative Appeals Tribunal of decisions made under sections 100, 101 and 102 of the Act relating to safety certificates.

**[9] After subsection 7.1.1**

*insert*

- 7.1.1A An offence against subsection 7.1.1 is a strict liability offence.
- 7.1.1B A person is liable to a civil penalty if the person contravenes subsection 7.1.1.  
Civil penalty: 50 penalty units.

**[10] After subsection 7.1.2**

*insert*

- 7.1.2A An offence against subsection 7.1.2 is a strict liability offence.
- 7.1.2B A person is liable to a civil penalty if the person contravenes subsection 7.1.2.  
Civil penalty: 50 penalty units.

**[11] Subsection 7.2, footnote 6**

*substitute and move to foot of subsection 7.2*

*Note 3* For paragraph (h), section 186 of the Navigation Act requires the master of a vessel to report to AMSA if the vessel has been involved in a marine incident that has affected, or is likely to affect, the safety, operation or seaworthiness of the vessel.

**[12] After subsection 7.3.2***insert*

7.3.2A An offence against subsection 7.3.2 is a strict liability offence.

7.3.2B A person is liable to a civil penalty if the person contravenes subsection 7.3.2.

Civil penalty: 50 penalty units.

**[13] After subsection 7.5.1***insert*

7.5.1A An offence against subsection 7.5.1 is a strict liability offence.

7.5.1B A person is liable to a civil penalty if the person contravenes subsection 7.5.1.

Civil penalty: 50 penalty units.

**[14] After subsection 7.5.2***insert*

7.5.2A An offence against subsection 7.5.2 is a strict liability offence.

7.5.2B A person is liable to a civil penalty if the person contravenes subsection 7.5.2.

Civil penalty: 50 penalty units.

**[15] After subsection 7.6.1***insert*

7.6.1A An offence against subsection 7.6.1 is a strict liability offence.

7.6.1B A person is liable to a civil penalty if the person contravenes subsection 7.6.1.

Civil penalty: 50 penalty units.

**[16] After subsection 7.6.2***insert*

7.6.2A An offence against subsection 7.6.2 is a strict liability offence.

7.6.2B A person is liable to a civil penalty if the person contravenes subsection 7.6.2.

Civil penalty: 50 penalty units.

**[17] Section 8, footnote 10***omit***[18] Subsections 10.1 to 10.3.1***substitute*

10.1.1 For subsection 99(1) of the Navigation Act, an Australian certificate for the carriage of livestock is a safety certificate.

10.1.2 A vessel must have the following surveys:

- (a) a survey for an Australian certificate for the carriage of livestock; and
- (c) within 12 months after the issue of an Australian certificate for the carriage of livestock, and each 12 months after that until the certificate ceases to have effect — an annual survey for endorsement of the vessel's Australian certificate for the carriage of livestock.

- 10.1.3 For sections 103, 104, 106 or 107 of the Navigation Act, a vessel must have an Australian certificate for the carriage of livestock in accordance with Form 1 of Schedule 1.

*Note* It is an offence under sections 103, 104, 106 and 107 of the Navigation Act if a vessel is taken to sea without a certificate of a specified kind in force for the vessel.

- 10.1.4 An Australian certificate for the carriage of livestock is in effect for 5 years or a lesser time determined by the Manager, Ship Inspection and Registration.

*Note* The expiry date of the certificate will normally be aligned with the expiry date of the vessel's Cargo ship safety construction certificate, and the survey for annual endorsement of the Australian certificate for the carriage of livestock should be carried out, as far as practical, at the same time as the survey for the annual endorsement of the Cargo ship safety construction certificate.

- 10.1.5 After an Australian certificate for the carriage of livestock ceases to have effect, the vessel must be surveyed again in accordance with subsection 10.1.2.

## 10.2 Issuing criteria

- 10.2.1 For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of an Australian certificate for the carriage of livestock are that:

- (a) the information mentioned in Schedule 2 is given in writing to the Manager, Ship Inspection and Registration; and
- (b) the information mentioned in Schedule 2A is given in writing to the Manager, Ship Inspection and Registration; and
- (c) the survey for the Australian certificate for the carriage of livestock shows that the vessel complies with this Order; and
- (d) the livestock fittings, livestock equipment and arrangements for the carriage of livestock of the vessel:
  - (i) comply with this Order for the species sought to be carried; or
  - (ii) are of a standard that is at least equivalent to those required by this Order; or
  - (iii) if the ship carried livestock from Australia before 1 July 1983 — are of a standard substantially in compliance with this Order; and
- (e) the ship complies with, or, if it was constructed or converted for the carriage of livestock before 1 July 2000, substantially complies with, the bridge visibility requirements of Regulation 22 of Chapter V of SOLAS; and
- (f) issue of the certificate is not prohibited by subsection 10.5.

- 10.2.2 The information mentioned in paragraphs 10.2.1(a) and (b) must be in English or accompanied by an English translation.

- 10.2.3 A copy of the information mentioned in paragraphs 10.2.1(a) and (b) must be kept on the vessel.

## Variation criteria

- 10.3.1 For section 101 of the Navigation Act, the criteria for the variation of an Australian certificate for the carriage of livestock are that:

- (a) a written application for a variation of the certificate is made to the issuing body, specifying the nature of variation sought; and
- (b) the vessel complies with the survey requirements that apply to it; and
- (c) the vessel undergoes any additional surveys required by the Manager, Ship Inspection and Registration; and

- (d) the vessel complies with any conditions imposed by the Manager, Ship Inspection and Registration.

### Revocation criteria

- 10.3.1A For section 102 of the Navigation Act, the criteria for revocation of an Australian certificate for the carriage of livestock are that:
- (a) a safety certificate required by the vessel under *Marine Order 31 (Ship surveys and certification) 2006* becomes invalid; or
  - (b) a survey for endorsement of the Australian certificate for the carriage of livestock has not been satisfactorily completed within 3 months after its anniversary date; or
  - (c) a requirement of paragraph 10.2.1(d), (e) or (f) is no longer met for the vessel; or
  - (d) the arrangements for the carriage of livestock are substantially changed as set out in subsection 10.6.3; or
  - (e) the arrangements for the carriage of livestock are modified as set out in subsection 10.6.4 and the modifications do not comply with the requirements of this Order for the construction of livestock structures and pens; or
  - (f) the person with overall general control and management of the vessel changes; or
  - (g) after 30 November 2011 — the vessel does not meet the requirements of SOLAS that apply to a vessel constructed after 31 August 1984.

*Note* For paragraph 10.3.1A(f), the person with overall general control and management of the vessel is the person identified as operator in the Document of Compliance issued under the ISM Code.

### [19] Subsections 10.6.1 and 10.6.2

*omit*

### [20] After subsection 10.6.5

*insert*

- 10.6.5A An offence against subsection 10.6.5 is a strict liability offence.
- 10.6.5B A person is liable to a civil penalty if the person contravenes subsection 10.6.5.  
Civil penalty: 50 penalty units.

### [21] Subsection 10.7

*omit*

### [22] After subsection 10.8

*insert*

- 10.8A An offence against subsection 10.8 is a strict liability offence.
- 10.8B A person is liable to a civil penalty if the person contravenes subsection 10.8.  
Civil penalty: 50 penalty units.

### [23] After subsection 10.9

*insert*

- 10.9A An offence against subsection 10.9 is a strict liability offence.
- 10.9B A person is liable to a civil penalty if the person contravenes subsection 10.9.  
Civil penalty: 50 penalty units.

**[24] After subsection 10.10**

*insert*

- 10.10A An offence against subsection 10.10 is a strict liability offence.  
10.10B A person is liable to a civil penalty if the person contravenes subsection 10.10.  
Civil penalty: 50 penalty units.

**[25] After subsection 10.11**

*insert*

- 10.11A An offence against subsection 10.11 is a strict liability offence.  
10.11B A person is liable to a civil penalty if the person contravenes subsection 10.11.  
Civil penalty: 50 penalty units.

**[26] After subsection 11.1**

*insert*

- 11.1A An offence against subsection 11.1 is a strict liability offence.  
11.1B A person is liable to a civil penalty if the person contravenes subsection 11.1.  
Civil penalty: 50 penalty units.

**[27] After subsection 11.2**

*insert*

- 11.2A An offence against subsection 11.2 is a strict liability offence.  
11.2B A person is liable to a civil penalty if the person contravenes subsection 11.2.  
Civil penalty: 50 penalty units.

**[28] After subsection 13.3**

*insert*

- 13.3A An offence against subsection 13.3 is a strict liability offence.  
13.3B A person is liable to a civil penalty if the person contravenes subsection 13.3.  
Civil penalty: 50 penalty units.

**[29] After subsection 14.3.3**

*insert*

- 14.3.3A An offence against subsection 14.3.3 is a strict liability offence.  
14.3.3B A person is liable to a civil penalty if the person contravenes subsection 14.3.3.  
Civil penalty: 50 penalty units.

**[30] After subsection 15.5**

*insert*

- 15.5A An offence against subsection 15.5 is a strict liability offence.  
15.5B A person is liable to a civil penalty if the person contravenes subsection 15.5.  
Civil penalty: 50 penalty units.

**[31] After subsection 29.8.2**

*insert*

- 29.8.2A An offence against subsection 29.8.2 is a strict liability offence.

- 29.8.2B A person is liable to a civil penalty if the person contravenes subsection 29.8.2.  
Civil penalty: 50 penalty units.

**[32] After subsection 35.5.3**

*insert*

- 35.5.3A An offence against subsection 35.5.3 is a strict liability offence.  
35.5.3B A person is liable to a civil penalty if the person contravenes subsection 35.5.3.  
Civil penalty: 50 penalty units.

**[33] After subsection 35.7**

*insert*

- 35.7A An offence against subsection 35.7 is a strict liability offence.  
35.7B A person is liable to a civil penalty if the person contravenes subsection 35.7.  
Civil penalty: 50 penalty units.

**[34] After subsection 36.1**

*insert*

- 36.1A An offence against subsection 36.1 is a strict liability offence.  
36.1B A person is liable to a civil penalty if the person contravenes subsection 36.1.  
Civil penalty: 50 penalty units.

**[35] After subsection 36.2**

*insert*

- 36.2A An offence against subsection 36.2 is a strict liability offence.  
36.2B A person is liable to a civil penalty if the person contravenes subsection 36.2.  
Civil penalty: 50 penalty units.

**[36] After subsection 37.1**

*insert*

- 37.1A An offence against subsection 37.1 is a strict liability offence.  
37.1B A person is liable to a civil penalty if the person contravenes subsection 37.1.  
Civil penalty: 50 penalty units.

**[37] After subsection 37.4**

*insert*

- 37.4A An offence against subsection 37.4 is a strict liability offence.  
37.4B A person is liable to a civil penalty if the person contravenes subsection 37.4.  
Civil penalty: 50 penalty units.

**[38] After subsection 37.7**

*insert*

- 37.7A An offence against subsection 37.7 is a strict liability offence.  
37.7B A person is liable to a civil penalty if the person contravenes subsection 37.7.  
Civil penalty: 50 penalty units.

**[39] After subsection 37.10**

*insert*

37.10A An offence against subsection 37.10 is a strict liability offence.

37.10B A person is liable to a civil penalty if the person contravenes subsection 37.10.

Civil penalty: 50 penalty units.

**[40] After subsection 38.2**

*insert*

38.2A An offence against subsection 38.2 is a strict liability offence.

38.2B A person is liable to a civil penalty if the person contravenes subsection 38.2.

Civil penalty: 50 penalty units.

**[41] Appendix 1, forms 1 and 4**

*omit*

Name and address of operator

*insert*

Name and address of person with overall general control and management of the vessel

*Note* This is the person identified as operator in the Document of Compliance issued under the ISM Code.

**[42] After Appendix 2**

*insert*

## **Schedule 2A Australian certificate for the carriage of livestock**

### **Additional information to be provided by applicants**

Three copies of each of the following documents must be submitted:

- (a) scale drawings that provide details of:
  - (i) the design, materials, methods of construction and arrangement of fittings for the containment and movement of the livestock;
  - (ii) ventilation arrangements, including current test measurements, together with the gross volume of enclosed spaces;
  - (iii) lighting;
  - (iv) the provisions for storage and distribution of fodder and water;
  - (v) drainage arrangements;
  - (vi) arrangements of main and secondary supplies of power;
  - (vii) the provision of fire-fighting appliances;
  - (viii) the general arrangement of the vessel, both before and after modification to carry livestock, if a converted vessel; and
  - (ix) the structural fire protection plan of the vessel, both before and after modification to carry livestock, if a converted vessel;
- (b) stability data for the vessel with livestock on board;



- (c) a documented maintenance program related to:
- (i) the livestock containment structure (including accessways, ramps between decks and vessel/shore livestock accesses);
  - (ii) ventilation, lighting and drainage arrangements for the livestock areas of the vessel, including main and secondary sources of power;
  - (iii) the arrangements for storage and distribution of fodder and water;
  - (iv) the making of potable water on board (if this is required to provide for the necessary quantity of water to supply the livestock); and
  - (v) the fire-fighting appliances in the livestock areas of the vessel; and
- (d) a Record of Equipment and Arrangements in accordance with Form 2 of Appendix 1.

*Note 1* An electronic copy of documentation may be accepted by prior arrangement with AMSA.

*Note 2* For paragraph (c), a documented maintenance program may be incorporated into the vessel's Safety Management System. If it is, the operator should provide a document that details where and how each of the listed requirements has been addressed in the Safety Management System.

#### [43] Further amendments — definitions

Each definition in section 2, other than the definition of *IMDG Code*, is amended by:

- (a) omitting the concluding semi-colon and inserting a full stop; and
- (b) formatting the defined term in bold italic.

#### [44] Further amendments

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 2, definition of <b>approved</b>	Inspections	Inspection and Registration
Section 2, definition of <b>ISM Code</b>	Marine Orders, Part 58	<i>Marine Order 58 (International Safety Management Code) 2002</i>
Section 2, definition of <b>uppermost continuous deck</b>	ship	vessel
Section 2, definition of <b>uppermost continuous deck</b>	ship's	vessel's
Section 3	Part	Order
Section 3	ship	vessel
Subsection 3.3	provisions	sections
Section 7	ship	vessel
Section 7	Part	Order
Section 7	<u>This is a penal provision</u>	Penalty: 50 penalty units
Subsection 7.1.1	7.1.3	subsection 7.1.3

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 7.1.1	a surveyor	an inspector
Subsection 7.1.1	the surveyor	the inspector
Subsection 7.1.2	7.1.3	subsection 7.1.3
Subsection 7.1.2	a surveyor	an inspector
Subsection 7.1.2	the surveyor	the inspector
Subsection 7.1.3	Provisions	Subsections
Paragraph 7.1.3	a surveyor	an inspector
Paragraph 7.1.3(c)	7.2	subsection 7.2
Subsection 7.1.4	7.1.3	subsection 7.1.3
Subsection 7.2	7.1	subsection 7.1
Subsection 7.2, footnote 4	Inspections	Inspection and Registration
Subsection 7.2, footnote 4	footnote 5	note 2
Subsection 7.2, footnote 5	7.2	subsection 7.2
Subsection 7.2, footnote 5	items	paragraphs
Subsection 7.2, footnote 5	item	paragraph
Subsection 7.3.1	a surveyor	an inspector
Subsection 7.3.1	the surveyor	the inspector
Subsection 7.3.2	a surveyor's	an inspector's
Subsection 7.3.2	7.3.1	subsection 7.3.1
Subsection 7.4.1	A surveyor	An inspector
Subsection 7.4.2	a surveyor	an inspector
Subsection 7.6.1	ship's	vessel's
Section 8	ship	vessel
Section 8	Part	Order
Subsection 8.3	8.4	subsection 8.4
Subsection 8.4	provisions	subsections
Section 9	ship	vessel
Section 9	ship's	vessel's
Section 9	classification society	recognised organisation
Section 10, heading	Operator	Owner
Section 10	Certificate for the Carriage of Livestock	certificate for the carriage of livestock

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 10	operator	owner
Section 10	ship	vessel
Section 10	<u>ship's</u>	vessel's
Section 10	<u>This is a penal provision.</u>	Penalty: 50 penalty units.
Section 10	Inspections	Inspection and Registration
Subsection 10.3.2	Appendix	Schedule
Subsection 10.4.2	Part	Order
Subsection 10.4.2	10.5	subsection10.5
Paragraph 10.5.1 (a)	classification society	recognised organisation
Subparagraph 10.5.1(c)(i)	ships	vessels
Subparagraph 10.5.1(c)(i)	the Safety Convention	SOLAS
Subparagraph 10.5.1(c)(ii)	10.5.2	subsection 10.5.2
Subparagraph 10.5.1(c)(ii)	10.3	subsection 10.3
Subsection 10.5.2	provision	subparagraph
Subsection 10.5.2	10.5.1(c)(i)	subparagraph 10.5.1(c)(i)
Subsection 10.6.3	10.6.2(e)	paragraph 10.3.1A(d)
Subsection 10.6.4	10.6.2(f)	paragraph 10.3.1A(e)
Subsection 10.6.4, footnote 18	Part	Order
Subsection 10.6.5	in respect of	for
Subsection 10.6.5	become invalid	been revoked
Subsection 10.9	a surveyor	an inspector
Paragraph 10.11(d)	classification society	recognised organisation
Section 11	ship	vessel
Section 11	Appendix	Schedule
Section 11	<u>This is a penal provision.</u>	Penalty: 50 penalty units.
Subsection 11.1, footnote 19	Annex	The IMO Code on Intact Stability is contained in Annex
Subsection 11.2	a surveyor	an inspector
Subsection 11.2	the surveyor	the inspector
Section 12	ship	vessel

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 12	Appendix	Schedule
Section 12	operator	owner
Section 12	Inspections	Inspection and Registration
Paragraph 12.2(b)	6.8	subsection 6.8
Section 13	ship	vessel
Section 13	<u>This is a penal provision.</u>	Penalty: 50 penalty units.
Subsection 13.6	13	section 13
Subsection 13.6, footnote 22	13	section 13
Subsection 13.8	13.4	subsection 13.4
Section 13, footnote 22	the purposes of 13	this section
Section 14	ship	vessel
Subsection 14.3.1	14.3.2	subsection 14.3.2
Subsection 14.3.3	a surveyor	an inspector
Subsection 14.3.3	<u>This is a penal provision.</u>	Penalty: 50 penalty units.
Section 15	ship	vessel
Section 15	ship's	vessel's
Section 15	<u>This is a penal provision.</u>	Penalty: 50 penalty units.
Subsection 15.5	15	section 15
Subsection 15.5	Part	Order
Section 16	ship	vessel
Section 16	ship's	vessel's
Section 16	Inspections	Inspection and Registration
Subsection 16.1, footnote 24	provisions 22.3 for sheep and	subsection 22.3 for sheep and subsection
Section 17	ship	vessel
Section 18	ship	vessel
Section 19	ship	vessel
Section 19	Inspections	Inspection and Registration
Section 19	Appendix	Schedule
Section 19, footnote 27	Inspections	Inspection and Registration
Subsection 20.1.1	20.1.2	subsection 20.1.2

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 20.1.1, Table 3	22.4	subsection 22.4
Subsection 20.2, footnote 28	7.6.2	subsection 7.6.2
Subsection 20.2, footnote 28	Appendix	Schedule
Subsection 20.4	provision	subsection
Subsection 20.4	ship	vessel
Section 21	ship's	vessel's
Section 21	ship	vessel
Section 21	Inspections	Inspection and Registration
Subsection 21.1	21.4	subsection 21.4
Subsection 21.2	21.1	subsection 21.1
Subsection 21.3.1	21.4	subsection 21.4
Subsection 21.3.2	21.1	subsections 21.1
Subsection 21.4	21.1	subsections 21.1
Subsection 21.4	classification society	recognised organisation
Subsection 21.5	21.1	subsections 21.1
Subsection 22.6	3.2.1	subsection 3.2.1
Subsection 22.6	Appendix	Schedule
Section 23	ship	vessel
Subsection 23.1	23.2	subsection 23.2
Subsection 23.1, Table 5	Provision	section
Subsection 23.1, Table 5, footnote 33	Refer also to 3 of Appendix 4	For provision of a mechanical ventilation system, refer also to clause 3 of Schedule 4
Subsection 23.1, Table 5, footnote 34	Where such a	If pens are on one side only of the passageway and the
Subsection 23.1, Table 5, footnote 34	provision	subsection
Subsection 23.2	a surveyor	an inspector
Subsection 23.3.1	23.3.2	subsection 23.3.2
Subsection 23.5	provision	subsection
Subsection 23.7	provision	paragraph
Section 24	Inspections	Inspection and Registration
Section 24	ship's	vessel's

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 24	ship	vessel
Subsection 24.1	24.4	subsection 24.4
Subsection 24.1, footnote 35	provision 24.1	this subsection
Subsection 24.2	24.1	subsection 24.1
Subsection 24.3.1	24.4	subsection 24.4
Subsection 24.3.2	24.1	subsections 24.1
Subsection 24.4	24.1	subsections 24.1
Subsection 24.4	the survey authority	AMSA
Subsection 24.4	classification society	recognised organisation
Subsection 24.5	24.1	subsection 24.1
Subsection 24.6	provision	subsection
Subsection 25.4	provision	section
Subsection 25.5, footnote 36	3.2.1 of Appendix	subclause 3.2.1 of Schedule
Section 26, footnote 37	Inspections	Inspection and Registration
Section 26, footnote 37	provision	section
Subsection 27.1	a surveyor	an inspector
Subsection 27.2.1	provision	section
Subsection 27.2.2, footnote 38	Inspections	Inspection and Registration
Subsection 27.2.2, footnote 38	provision	subsection
Subsection 27.3	provision	subsection
Subsection 27.3	ship	vessel
Section 28, footnote 39	28.1	subsection 28.1
Subsection 28.2	provision	section
Subsection 29.5	provision	section
Subsection 29.5	29.6	subsection 29.6
Subsection 29.8.2	29.8.1	subsection 29.8.1
Subsection 29.8.2	<u>This is a penal provision.</u>	Penalty: 50 penalty units.
Subsection 30.1	30.2	subsections 30.2
Subsection 30.1	provisions	sections

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 30.3, footnote 42	a surveyor	an inspector
Subsection 30.3, footnote 42	ship	vessel
Subsection 30.3, footnote 42	provision	subsection
Section 31	provisions	sections
Subsection 32.1	Part	Order
Subsection 32.2	provision	subsection
Subsection 32.2	a surveyor	an inspector
Subsection 33.3	Inspections	Inspection and Registration
Subsection 33.4.2	33.4.1	subsection 33.4.1
Subsection 33.6	provision	section
Section 34, footnote 43	Part	Order
Section 34, footnote 43	Marine Orders Parts 32 and 44	<i>Marine Order 32 (Cargo handling equipment) 2011 and Marine Order 44 (Safe containers) 2002</i>
Subsection 34.1	Part	Order
Subsection 34.1	provision	subsection
Subsection 34.3.1, footnote 45	Suitable	For paragraph (b), suitable
Subsection 34.3.2	34.3.1	subsection 34.3.1
Subsection 34.3.2	a surveyor	an inspector
Section 35	ship	vessel
Section 35	<u>This is a penal provision.</u>	Penalty: 50 penalty units.
Subsection 35.1	Provisions	Sections
Subsection 35.2.1	Provisions	Sections
Subsection 35.3	34.3.1	subsections 34.3.1
Subsection 35.3	a surveyor	an inspector
Subsection 35.7	provision	subsection
Section 36	ship	vessel
Section 36	<u>This is a penal provision.</u>	Penalty: 50 penalty units.
Section 37	provision 37	section 37
Section 37	ship	vessel

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 37	<u>This is a penal provision.</u>	Penalty: 50 penalty units.
Section 37	Inspections	Inspection and Registration
Section 37	a surveyor	an inspector
Section 37	owner, operator	owner
Section 37	A surveyor	An inspector
Section 37	the surveyor	the inspector
Subsection 37.2	37.1	subsection 37.1
Subsection 37.4	37.3	subsection 37.3
Subsection 37.5	37.2	subsection 37.2
Subsection 37.7	37.6	subsection 37.6
Subsection 37.8	37.2	subsection 37.2
Subsection 37.8	ship's	vessel's
Subsection 37.9	37.2	subsection 37.2
Subsection 37.10	37.9	subsection 37.9
Subsection 37.11	provision	subsection
Subsection 37.11	ship's	vessel's
Subsection 37.12	provision	subsection
Subsection 38.1	Inspections	Inspection and Registration
Subsection 38.1	ship	vessel
Subsection 38.1	Part	Order
Subsection 38.1	operator	owner
Subsection 38.2	38.1	subsection 38.1
Subsection 38.2	<u>This is a penal provision.</u>	Penalty: 50 penalty units.
Subsection 39.1	Marine Orders, Part 43, Issue 5	Issue 5 of <i>Marine Order 43 (Cargo and cargo handling — livestock) 2006</i>
Subsection 39.1	this Part	this Order
Section 39, Table 8	40.2	subsection 40.2
Section 39, Table 8	37.2	subsection 37.2
Section 39, Table 8	41.1	subsection 41.1
Section 39, Table 8	38.1	subsection 38.1
Appendix 1, heading	Appendix	Schedule
Appendix 1	ship	vessel
Appendix 1, form 1,	5.1	subsection 5A.1



<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
para 3		
Appendix 1, forms 1, 3, 4 and 5	Marine Orders Part 43	<i>Marine Order 43 (Cargo and cargo handling — livestock) 2006</i>
Appendix 1, form 2	provision 13	section 13
Appendix 1, form 2	Ship's	Vessel's
Appendix 1, form 3	5.1	subsection 5.1
Appendix 1, form 4	10.3	subsection 10.3
Appendix 1, form 4	Surveyor	Inspector
Appendix 1, forms 4 and 5	Inspections	Inspection and Registration
Appendix 1, form 5	Provision 19	Section 19
Appendix 2, heading	Appendix	Schedule
Appendix 2	ship	vessel
Appendix 2	Classification Society	Recognised organisation
Appendix 2	Marine Orders Part 43	<i>Marine Order 43 (Cargo and cargo handling — livestock) 2006</i>
Appendix 2	Name and address of operator of the ship or, if the operator	Name and address of owner of the vessel or, if the owner
Appendix 3, heading	Appendix	Schedule
Appendix 3	ships	vessels
Appendix 3	ship	vessel
Appendix 3	ship's	vessel's
Appendix 3	Ship	Vessel
Appendix 4, heading	Appendix	Schedule
Appendix 4	ship	vessel
Appendix 4	operator	owner
Appendix 4	Inspections	Inspection and Registration
Appendix 4	ships	vessels
Appendix 4	ship's	vessel's
Appendix 4, clause 1	Provision	Section
Appendix 4, clause 1	Appendix	Schedule
Appendix 4, clause 1	provisions 13	sections 13
Appendix 4, clause 1	provisions 2.2.3	subsections 2.2.3
Appendix 4, clause 1	Marine Orders Part 43	<i>Marine Order 43 (Cargo and</i>

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
		<i>cargo handling — livestock)</i> <i>2006</i>
Appendix 4, clause 2	classification society	recognised organisation
Appendix 4, clause 2, footnote 53	The	For paragraph (b) the
Appendix 4, clause 2, footnote 53	SOLAS II-1/43.1.1	paragraph 1.1 of Regulation 43 of Chapter II-1 of SOLAS
Appendix 4, clause 2, footnote 53	SOLAS II-1/43.1.4	paragraph 1.4 of Regulation 43 of Chapter II-1 of SOLAS
Appendix 4, clause 2, footnote 53	SOLAS II-1/43.2	paragraph 2 of Regulation 43 of Chapter II-1 of SOLAS
Appendix 4, subclause 3.1.2	3.1.1	subclause 3.1.1
Appendix 4, subclause 3.2.2	3.2.1	subclause 3.2.1
Appendix 4, subclause 3.2.2	3.1.1	subclause 3.1.1
Appendix 4, subclause 3.2.3	3.2.2	subclause 3.2.2
Appendix 4, subclause 3.2.3	3.2.1	subclause 3.2.1
Appendix 4, subclause 3.6, footnote 58	Part	Order
Appendix 4, subclause 3.6, footnote 58	3.6	subclause 3.6
Appendix 4, subclause 4.6	4.2	subclause 4.2
Appendix 4, subclause 6.1	Appendix	Schedule
Appendix 4, subclause 6.1	6.6	subclause 6.6
Appendix 4, subclauses 6.7 and 6.8	6.6	subclause 6.6
Appendix 4, subclause 7.6.1	7.5.1	subclause 7.5.1
Appendix 4, subclause 7.7	Part	Order
Appendix 4,	Part	Order

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<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
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subclause 7.10

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**[45] Further amendments — footnotes**

<i>footnote</i>	<i>move to the foot of</i>	<i>rename as</i>
4	subsection 7.2	<i>Note 1</i>
5	subsection 7.2	<i>Note 2</i>
7	subsection 7.3.1	<i>Note</i>
8	subsection 7.5	<i>Note</i>
9	subsection 8.2	<i>Note</i>
15	subsection 10.4.2	<i>Note</i>
16	subsection 10.5.1	<i>Note</i>
18	subsection 10.6.4	<i>Note</i>
19	subsection 11.1B	<i>Note</i>
20	subsection 12.2	<i>Note</i>
21	subsection 13.1	<i>Note</i>
22	subsection 13.6	<i>Note</i>
23	subsection 14.3.1	<i>Note</i>
24	subsection 16.1	<i>Note</i>
25	subsection 16.2	<i>Note</i>
26	subsection 17.1	<i>Note</i>
27	section 19	<i>Note</i>
28	subsection 20.2	<i>Note</i>
29	subsection 21.1	<i>Note</i>
30	subsection 22.1	<i>Note</i>
31	subsection 22.4	<i>Note</i>
32	subsection 22.6	<i>Note</i>
33	subsection 23.1, Table 5	<i>Note 1</i>
34	subsection 23.1, Table 5	<i>Note 2</i>
35	subsection 24.1	<i>Note</i>
36	subsection 25.5	<i>Note</i>
37	section 26	<i>Note</i>

<i>footnote</i>	<i>move to the foot of</i>	<i>rename as</i>
38	subsection 27.2.2	<i>Note</i>
39	subsection 28.1	<i>Note</i>
40	subsection 29.3	<i>Note</i>
41	subsection 29.6.2	<i>Note</i>
42	subsection 30.3	<i>Note</i>
43	subsection 34.1	<i>Note</i>
44	subsection 34.2	<i>Note</i>
45	subsection 34.3.1	<i>Note</i>
46	subsection 35.2.2	<i>Note</i>
47	subsection 35.5.3B	<i>Note</i>
48	subsection 35.6.5	<i>Note</i>
49	subsection 35.7B	<i>Note</i>
50	subsection 37.1	<i>Note</i>
51	subclause 1.3.1 of Appendix 3	<i>Note</i>
52	subclause 1.4 of Appendix 3	<i>Note</i>
53	subclause 2.2 of Appendix 4	<i>Note</i>
54	subclause 3.3 of Appendix 4	<i>Note</i>
55	subclause 3.4 of Appendix 4	<i>Note</i>
56	subclause 3.5 of Appendix 4	<i>Note</i>
57	subclause 3.6 of Appendix 4	<i>Note 1</i>
58	subclause 3.6 of Appendix 4	<i>Note 2</i>
59	subclause 4.3 of Appendix 4	<i>Note</i>
60	subclause 6.5 of Appendix 4	<i>Note</i>
61	subclause 6.6 of Appendix 4	<i>Note</i>
62	subclause 7.1 of Appendix 4	<i>Note</i>
63	subclause 7.5.1 of Appendix 4	<i>Note 1</i>
64	subclause 7.5.1 of Appendix 4	<i>Note 2</i>
65	subclause 7.9 of Appendix 4	<i>Note</i>

## Schedule 24 Marine Orders Part 44, issue 5

(section 3)

### [1] Section 1

*substitute*

#### 1 Purpose

This Order gives effect to the Container Convention.

#### 1B Power

- 1B.1 Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed, or that are necessary or convenient to be prescribed, for carrying out or giving effect to the Navigation Act.
- 1B.2 Paragraph 340(1)(f) of the Navigation Act provides for the regulations to give effect to the Container Convention.
- 1B.3 Subsection 342(1) of the Navigation Act provides for the making of orders for matters that can be made by the regulations.

### [2] Section 2, definition of *authorised organisation*, note

*substitute*

*Note* A recognised organisation may be an authorised organisation.

### [3] Section 2, definitions of *dangerous goods*, *surveyor* and *the Container Convention*

*omit*

### [4] Section 2, note at the foot

*substitute*

*Note 1* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- Navigation Act
- Manager, Ship Inspection and Registration
- General Manager, Ship Safety Division.

*Note 2* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- Container Convention
- dangerous goods
- inspector
- seafarer.

### [5] Subsection 6.2

*omit*

### [6] After subsection 9.2.1

*insert*

- 9.2.1A An offence against subsection 9.2.1 is a strict liability offence.
- 9.2.1B A person is liable to a civil penalty if the person contravenes subsection 9.2.1.  
Civil penalty: 50 penalty units.

**[7] After subsection 9.2.3**

*insert*

9.2.3A An offence against subsection 9.2.3 is a strict liability offence.

9.2.3B A person is liable to a civil penalty if the person contravenes subsection 9.2.3.

Civil penalty: 50 penalty units.

**[8] After subsection 9.3.1**

*insert*

9.3.1A An offence against subsection 9.3.1 is a strict liability offence.

9.3.1B A person is liable to a civil penalty if the person contravenes subsection 9.3.1.

Civil penalty: 50 penalty units.

**[9] After subsection 9.3.2**

*insert*

9.3.2A An offence against subsection 9.3.2 is a strict liability offence.

9.3.2B A person is liable to a civil penalty if the person contravenes subsection 9.3.2.

Civil penalty: 50 penalty units.

**[10] After subsection 9.3.4**

*insert*

9.3.4A An offence against subsection 9.3.4 is a strict liability offence.

9.3.4B A person is liable to a civil penalty if the person contravenes subsection 9.3.4.

Civil penalty: 50 penalty units.

**[11] After subsection 9.3.5**

*insert*

9.3.5A An offence against subsection 9.3.5 is a strict liability offence.

9.3.5B A person is liable to a civil penalty if the person contravenes subsection 9.3.5.

Civil penalty: 50 penalty units.

**[12] After subsection 10.2.1**

*insert*

10.2.1A An offence against subsection 10.2.1 is a strict liability offence.

10.2.1B A person is liable to a civil penalty if the person contravenes subsection 10.2.1.

Civil penalty: 50 penalty units.

**[13] After subsection 10.3.2**

*insert*

10.3.3 An offence against subsection 10.3.2 is a strict liability offence.

10.3.4 A person is liable to a civil penalty if the person contravenes subsection 10.3.2.

Civil penalty: 50 penalty units.

**[14] After subsection 10.4**

*insert*

10.4A An offence against subsection 10.4 is a strict liability offence.

- 10.4B A person is liable to a civil penalty if the person contravenes subsection 10.4.  
Civil penalty: 50 penalty units.

**[15] After subsection 10.5**

*insert*

- 10.5A An offence against subsection 10.5 is a strict liability offence.  
10.5B A person is liable to a civil penalty if the person contravenes subsection 10.5.  
Civil penalty: 50 penalty units.

**[16] After subsection 10.6**

*insert*

- 10.6A An offence against subsection 10.6 is a strict liability offence.  
10.6B A person is liable to a civil penalty if the person contravenes subsection 10.6.  
Civil penalty: 50 penalty units.

**[17] Other amendments**

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 1A	44, issue 5	44 (Safe containers) 2006
Section 2, definition of <i>cargo</i>	<i>cargo</i>	<i>container cargo</i>
Section 2, definitions of <i>international sea transport, inter-State sea transport, and loaded on to a ship</i>	ship	vessel
Section 2, definition of <i>maximum operating gross mass</i>	cargo	container cargo
Section 2, definition of <i>unloaded from a ship</i>	ship	vessel
Subsection 3.1	surveyor	inspector
Subsection 4.4	ship	vessel
Section 6	(Administration)	(Administration) 2011
Subsection 6.1	Maritime Operations	Ship Safety
Subsection 9.2.1	This is a penal provision.	Penalty: 50 penalty units.
Subsection 9.2.2	9.2.1	subsection 9.2.1
Subsections 9.2.3 and 9.3.1	This is a penal provision.	Penalty: 50 penalty units.
Subsections 9.3.1 and 9.3.2	9.3.3	subsection 9.3.3
Subsection 9.3.2	This is a penal provision.	Penalty: 50 penalty units.
Subsection 9.3.3	authorised	recognised

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 9.3.4	9.3.2	subsection 9.3.2
Subsection 9.3.4	9.2.2	subsection 9.2.2
Subsections 9.3.4 and 9.3.5	This is a penal provision.	Penalty: 50 penalty units.
Subsection 9.3.6	9.3.3	subsection 9.3.3
Subsection 10.1.2	10	this section
Subsection 10.2.1	10.3	subsection 10.3
Subsections 10.2.1 and 10.2.2	ship	vessel
Subsection 10.2.1	This is a penal provision.	Penalty: 50 penalty units.
Subsection 10.2.2	a surveyor	an inspector
Subsection 10.2.2	the surveyor	the inspector
Subsections 10.2.2 and 10.2.3	10.2.1(e)	paragraph 10.2.1(e)
Subsection 10.2.3	10.2.2	subsection 10.2.2
Subsection 10.3, heading	Surveyor	Inspector
Subsection 10.3.1	a surveyor	an inspector
Subsection 10.3.1	10.2.1	subsection 10.2.1
Subsection 10.3.1	ship	vessel
Subsection 10.3.1	the surveyor	the inspector
Subsection 10.3.2	a surveyor	an inspector
Subsection 10.3.2	10.3.1	subsection 10.3.1
Subsections 10.3.2, 10.4 and 10.5	This is a penal provision.	Penalty: 50 penalty units.
Paragraph 10.5(c)	8.6.1	subsection 8.6.1
Subsection 10.6	This is a penal provision.	Penalty: 50 penalty units.
Subsection 10.8	ship	vessel
Schedule 1, subclause 2.2	9.3.6	subsection 9.3.6
Schedule 2, clauses 5 and 7	6	clause 6
Schedule 2, clause 6	ship	vessel
Schedule 2, clause 7	5	clause 5



## Schedule 25 Marine Orders Part 47, issue 3

(section 3)

### [1] Paragraphs 4 (a), (b) and (c)

*substitute*

- (a) makes provision about MODUs as a particular kind of vessel; and
- (b) for paragraphs 339(2)(a) and (b) of the Navigation Act — specifies requirements with which the design, construction, machinery and equipment of a MODU must comply; and
- (c) for paragraph 340(1)(a) of the Navigation Act — generally provides for the safe navigation and operation of MODUs as required under regulation 34 of Chapters V and IX of SOLAS.

### [2] Subsections 5.1 and 5.2

*substitute*

- 5.1 Subsection 339(2) of the Navigation Act provides that the regulations may make provision in relation to:
  - (a) design and construction of vessels; and
  - (b) machinery and equipment to be carried on vessels; and
  - (c) survey of vessels.
- 5.2 Subsection 341(1) of the Navigation Act provides that the regulations may provide for the imposition of penalties and civil penalties for a contravention of the regulations or a notice, order, direction or instruction given, issued or made under, or in force because of, the regulations.

### [3] Section 6, definitions of 2009 MODU Code

*substitute*

**2009 MODU Code** means the *Code for the Construction and Equipment of Mobile Offshore Drilling Units, 2009* adopted by IMO Resolution A.1023 (26) and its corrigendum (Corr.1), as in force from time to time.

*Note* A copy of each IMO resolution that adopts or amends this Code is available on AMSA's website at <http://www.amsa.gov.au>.

### [4] Section 6, definition of operator

*omit*

### [5] Section 6, after definition of person in charge

*insert*

**registered**, for a MODU, means registered under the *Shipping Registration Act 1981*.

### [6] Section 6, definitions of STCW Code, STCW Convention and surveyor

*substitute*

**surveyor** means a person authorised by a recognised organisation to survey a MODU.

**[7] Section 6, before the note**

*insert*

*Note 1* Some terms used in this Order are defined in the Navigation Act, including:

- AMSA
- recognised organisation.

**[8] Section 6, note**

*omit*

- AMSA

**[9] Section 6, note**

*omit*

- penal provision

**[10] Section 6, note**

*re-number as note 2.*

**[11] Paragraphs 9(a) and (b), including note**

*substitute*

- (a) a MODU that is registered or required to be registered in Australia; and
- (b) a MODU that is a foreign vessel used or intended for use in any operations or activities associated with or incidental to exploring the natural resources of all or any of the following:
  - (i) the continental shelf of Australia;
  - (ii) the coastal sea of Australia.

*Note 1* Coastal sea includes the seabed and subsoil — see definition of *coastal sea* in s 14 of the Navigation Act.

*Note 2* A MODU built before 1 July 1986 that is unable to comply with a provision of this Order may be exempted from compliance with requirements of this Order under section 10.

**[12] After section 13**

*insert*

- 13.2 An offence against subsection 13.1 is a strict liability offence.
- 13.3 A person is liable to a civil penalty if the person contravenes subsection 13.1.  
Civil penalty: 50 penalty units.

**[13] After section 14**

*insert*

- 14.2 An offence against subsection 14.1 is a strict liability offence.
- 14.3 A person is liable to a civil penalty if the person contravenes subsection 14.1.  
Civil penalty: 50 penalty units.

**[14] After section 15.4**

*insert*

- 15.5 An offence against subsection 15.1, 15.2, 15.3 or 15.4 is a strict liability offence.
- 15.6 A person is liable to a civil penalty if the person contravenes subsection 15.1, 15.2, 15.3 or 15.4.

Civil penalty: 50 penalty units.

**[15] After subsection 16.1**

*insert*

16.1A An offence against subsection 16.1 is a strict liability offence.

16.1B A person is liable to a civil penalty if the person contravenes subsection 16.1.

Civil penalty: 50 penalty units.

**[16] After section 17.1**

*insert*

17.1A An offence against subsection 17.1 is a strict liability offence.

17.1B A person is liable to a civil penalty if the person contravenes subsection 17.1.

Civil penalty: 50 penalty units.

**[17] After section 18.6**

*insert*

18.7 An offence against subsections 18.1 to 18.6 is a strict liability offence.

18.8 A person is liable to a civil penalty if the person contravenes subsections 18.1 to 18.6.

Civil penalty: 50 penalty units.

**[18] After section 19**

*insert*

19.2 An offence against subsection 19.1 is a strict liability offence.

19.3 A person is liable to a civil penalty if the person contravenes subsection 19.1.

Civil penalty: 50 penalty units.

**[19] After section 20.6**

*insert*

20.7 An offence against subsection 20.3, 20.5 or 20.6 is a strict liability offence.

20.8 A person is liable to a civil penalty if the person contravenes subsection 20.3, 20.5 or 20.6.

Civil penalty: 50 penalty units.

**[20] After section 21.5**

*insert*

21.6 An offence against subsections 21.1 to 21.4 is a strict liability offence.

21.7 A person is liable to a civil penalty if the person contravenes subsections 21.1 to 21.4.

Civil penalty: 50 penalty units.

**[21] After section 22**

*insert*

22.2 An offence against subsection 22.1 is a strict liability offence.

22.3 A person is liable to a civil penalty if the person contravenes subsection 22.1.

Civil penalty: 50 penalty units.

**[22] After section 25**

*insert*

- 25.2 An offence against subsection 25.1 is a strict liability offence.
- 25.3 A person is liable to a civil penalty if the person contravenes subsection 25.1.  
Civil penalty: 50 penalty units.

**[23] After section 26**

*insert*

- 26.2 An offence against subsection 26.1 is a strict liability offence.
- 26.3 A person is liable to a civil penalty if the person contravenes subsection 26.1.  
Civil penalty: 50 penalty units.

**[24] After subsection 27.1**

*insert*

- 27.1A An offence against subsection 27.1 is a strict liability offence.
- 27.1B A person is liable to a civil penalty if the person contravenes subsection 27.1.  
Civil penalty: 50 penalty units.

**[25] After subsection 27.2**

*insert*

- 27.2A An offence against subsection 27.2 is a strict liability offence.
- 27.2B A person is liable to a civil penalty if the person contravenes subsection 27.2.  
Civil penalty: 50 penalty units.

**[26] Subsection 27.3**

*substitute*

- 27.3 If, other than in the production operations of the MODU, the safety of a MODU or a person on board a MODU is endangered by the occurrence of a marine incident or a defect, the master must report the marine incident or defect as follows:
- (a) within 4 hours after the incident or defect happens — using the approved form for initial reporting of an incident; and
  - (b) within 72 hours after the incident or defect happens — using the approved form for detailed reporting of the incident.
- Penalty: 50 penalty units.
- 27.3A An offence against subsection 27.3 is a strict liability offence.
- 27.3B A person is liable to a civil penalty if the person contravenes subsection 27.3.  
Civil penalty: 50 penalty units.

*Note 1* **Approved form** and **marine incident** are defined in subsection 14(1) of the Navigation Act.

*Note 2* For other requirements to report a marine incident — see section 186 of the Navigation Act. It is an offence not to report a marine incident in accordance with that section.

**[27] Subsection 27.4**

*substitute*

27.4 The person in charge of a MODU for which a valid MODU certificate is held must inform AMSA, and each issuing body that has issued a safety certificate that is in force for the MODU, in accordance with subsection 27.4A if:

- (a) the MODU becomes less efficient or seaworthy than it was when the certificate was issued; and
- (b) the lesser efficiency or seaworthiness is the result of any alteration or damage to:
  - (i) the MODU; or
  - (ii) any fitting, material, appliance or apparatus of the MODU.

27.5 For subsection 27.4, AMSA and each issuing body must be informed in the same way and within the same period that AMSA and an issuing body must be informed of an alteration mentioned in section 105 of the Navigation Act.

*Note* For the reporting form — see section 6 of *Marine Order 31 (Ship surveys and certification) 2006*.

27.6 For paragraph 105(1)(c) of the Navigation Act (which is about informing AMSA and an issuing body of alterations that affect a vessel's safety certificates), the prescribed period is 7 days after the alteration is made.

**[28] Paragraphs 29(a) and (b)**

*substitute*

- (a) an application has been made under section 99 of the Navigation Act for a safety certificate for a MODU; and
- (b) a current survey states that the MODU complies with:
  - (i) the code mentioned in the table for the certificate; and
  - (ii) Schedule 2; and
- (c) the MODU satisfies any other requirements for a MODU certificate to be issued, reissued or endorsed; and
- (d) any other certificates required for the MODU are valid.

**[29] After subsection 33 (2)**

*insert*

33.3 An offence against subsection 33.1 or 33.2 is a strict liability offence.

33.4 A person is liable to a civil penalty if the person contravenes subsection 33.1 or 33.2.

Civil penalty: 50 penalty units.

**[30] Division 4, heading**

*substitute*

**Division 4 MODUs that are foreign vessels****[31] Section 34, heading**

*substitute*

**34 Control of MODUs that are foreign vessels**

**[32] Schedule 1, clause 1, definition of *special personnel****omit***[33] Schedule 2, before subclause 14.1***insert*Definition of *special MODU personnel*

14.1A In this clause:

*special MODU personnel* means a person who:

- (a) is not the master, the person in charge or a seafarer; and
- (b) is on board a MODU in connection with the purpose of the MODU or a related purpose; and
- (c) has been given safety instruction at least to the level mentioned in subclause 14.11.

**[34] Further amendments**

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 1	47, issue 3.	47 ( <i>Mobile offshore drilling units</i> ) 2012.
Subsection 5.5	425(1)	339(1)
Subsection 5.6	425A(1AA)	342(1)
Section 6, definition of <i>person in charge</i>	operator	owner
Section 6, definition of <i>safety management system</i>	operator	owner
Section 6, definition of <i>safety management system</i>	operator's	owner's
Section 6, note	(Administration)	(Administration) 2011
Section 6, note	<ul style="list-style-type: none"> <li>• survey authority.</li> </ul>	<ul style="list-style-type: none"> <li>• recognised organisation.</li> </ul>
Paragraph 7.1(b)	operator	owner
Subsection 10.1	(Administration)	(Administration) 2011
Paragraph 10.3(b)	survey authority	recognised organisation
Subsection 11.1	(Administration)	(Administration) 2011
Paragraph 11.3(b)	survey authority	recognised organisation
Subsection 11.4, note	(Administration)	(Administration) 2011
Subsection 12.1, note	registered	registered or required to be registered
Section 13	The operator	13.1 The owner
Sections 13 and 14	This is a penal	Penalty: 50 penalty

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
	provision	units
Section 14	The person	14.1 The person
Section 15	operator	owner
Subsections 15.1, 15.2, 15.3, 15.4, 16.1, 17.1, 18.1, 18.2, 18.3, 18.4, 18.5 and 18.6	This is a penal provision	Penalty: 50 penalty units
Subsections 16.1, 17.1 and 18.1	operator	owner
Paragraph 18.1(a)	registered	registered or required to be registered
Section 19	The operator	19.1 The owner
Section 19	This is a penal provision	Penalty: 50 penalty units
Section 19, note	registered	registered or required to be registered
Section 20	operator	owner
Subsection 20.3	a surveyor	an inspector or a surveyor
Subsections 20.3, 20.5, 20.6, 21.1, 21.2, 21.3 and 21.4	This is a penal provision	Penalty: 50 penalty units
Paragraphs 20.5(c) and 20.6(c)	operator's	owner's
Subparagraph 21.3(b)(i)	survey authority	recognised organisation
Subparagraph 21.3(b)(v)	survey authority	recognised organisation
Subsection 21.5, note	<i>equipment</i> ).	<i>equipment</i> ) 2011.
Section 22	The person	22.1 The person
Section 22	This is a penal provision	Penalty: 50 penalty units
Section 22, note	registered	registered or required to be registered
Division 3, heading	registered	registered or required to be registered
Section 23, heading	registered	registered or required to be registered
Section 23	registered	registered or required to be registered
Section 24	operator	owner
Section 25, heading	operator's	owner's
Section 25	The operator	25.1 The owner

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Sections 25 and 26	This is a penal provision	Penalty: 50 penalty units
Section 26	The person	26.1 The person
Subsection 27.1	operator	owner
Subsections 27.1 and 27.2	a surveyor	an inspector or a surveyor
Subsections 27.1 and 27.2	the surveyor	the inspector or surveyor
Subsections 27.1 and 27.2	This is a penal provision	Penalty: 50 penalty units
Section 28	operator	owner
Subdivision 3.3, note at foot of heading	<i>certification</i> ).	<i>certification</i> ) 2006.
Section 29	survey authority	recognised organisation
Section 30, heading	Cancellation	Revocation
Subsection 30.1	survey authority	recognised organisation
Subsection 30.1	cancel	revoke
Subparagraphs 31.1(b)(ii) and (iv)	survey authority	recognised organisation
Subsection 31.2	<i>certification</i> ).	<i>certification</i> ) 2006.
Section 32	surveyor	inspector or surveyor
Section 33	This is a penal provision	Penalty: 50 penalty units
Subsection 33 (1)	(1)	33.1
Subsection 33 (1)	operator	owner
Subsection 33 (2)	(2)	33.2
Sections 35 and 36	<i>Marine Orders, Part 47</i>	this Order
Schedule 1, clauses 3.2 and 3.5	operator	owner
Schedule 1, subparagraph 3.2(c)(i)	<i>Marine Orders Part 3 (Seagoing qualifications); or</i>	<i>Marine Order 3 (Seagoing qualifications) 2004; or</i>
Schedule 1, clause 3.5	as part of its crew at least 1 person	at least 1 seafarer
Schedule 2, heading	registered	registered or required to be registered



<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Schedule 2, paragraph 3.4(a)	survey authority	recognised organisation
Schedule 2, clause 10	<i>Orders Part 10 (Medical first aid on ships)</i>	<i>Order 11 (Living and working conditions on vessels) 2013</i>
Schedule 2, clause 11, note	<i>Orders Part 16 (Load Lines).</i>	<i>Order 16 (Load lines) 2004.</i>
Schedule 2, subclause 13.1, note 1	<i>Orders Part 12 (Construction — subdivision and stability, machinery and electrical installations).</i>	<i>Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2009.</i>
Schedule 2, subclause 13.7	operator's	owner's
Schedule 2, subclause 14.2	member of the crew	seafarer
Schedule 2, subclauses 14.2 and 14.8	special	special MODU
Schedule 2, subclause 14.4	operating crew	seafarers
Schedule 2, paragraph 14.11(d)	ship	vessel

## Schedule 26 Marine Orders Part 49, issue 5

(section 3)

### [1] Section 1

*substitute*

#### 1 Name of Order

This Order is *Marine Order 49 (High-speed craft) 2009*.

#### 1A Purpose

This Order gives effect to Chapter X of SOLAS, which deals with high-speed craft.

#### 1B Power

1B.1 Subsection 98(3) of the Navigation Act provides that the regulations for vessels included in a particular class may provide for safety certificates relating to the following matters:

- (a) survey;
- (b) construction;
- (c) machinery and equipment;
- (d) other matters relating to the safety of vessels.

1B.2 Section 314 of the Navigation Act provides that the regulations may provide for matters relating to certificates.

- 1B.3 Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act.
- 1B.4 Paragraph 339(2)(a) of the Navigation Act provides that the regulations may provide for the design and construction of vessels.
- 1B.5 Paragraph 339(2)(b) of the Navigation Act provides that the regulations may provide for the machinery and equipment to be carried on board vessels.
- 1B.6 Paragraph 339(2)(i) of the Navigation Act provides that regulations may provide for the maintenance, testing, survey and certification of vessels.
- 1B.7 Paragraph 340(1)(a) of the Navigation Act provides that the regulations may give effect to SOLAS.
- 1B.8 Subsection 342(1) of the Navigation Act provides that AMSA may make an order for any matter for which regulations may provide.

**[2] Section 2, heading**

*substitute*

**2 Definitions**

In this Order:

**[3] Section 2, definitions of 1994 HSC Code and 2000 HSC Code**

*substitute*

**1994 HSC Code** means the *International Code of Safety for High-Speed Craft* adopted by IMO Resolution MSC.36 (63), as in force from time to time.

**2000 HSC Code** means the *International Code of Safety for High-Speed Craft* adopted by IMO Resolution MSC.97 (73), as in force from time to time.

**[4] Section 2, definition of AMSA**

*omit*

**[5] Section 2, definition of DSC Code**

*substitute*

**DSC Code** means the *Code of Safety for Dynamically Supported Craft* adopted by IMO Resolution A.373 (X), as in force from time to time.

**[6] Section 2, definitions of General Manager, IMO, Manager, Ship Inspections, Navigation Act, penal provision and SOLAS**

*omit*

**[7] Section 2, note at the foot**

*substitute*

*Note 1* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- General Manager, Ship Safety Division
- IMO
- Manager, Ship Inspection and Registration
- Navigation Act
- SOLAS.

*Note 2* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- issuing body
- vessel.

*Note 3* Information on obtaining copies of IMO Resolutions or other documents mentioned in this Order is available on AMSA's website at <http://www.amsa.gov.au> or by email to [international.relations@amsa.gov.au](mailto:international.relations@amsa.gov.au).

*Note 4* A copy of each IMO resolution that adopts or amends a Code mentioned in this Order is available on AMSA's website at <http://www.amsa.gov.au>.

## [8] Subsection 3.2

*omit*

## [9] Sections 5 to 7

*substitute*

## 5 Exemptions

- 5.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for an exemption of a vessel from a requirement of this Order.
- 5.2 The decision maker for the application is the Manager, Ship Inspection and Registration.
- 5.3 The Manager, Ship Inspection and Registration may give an exemption only if he or she is satisfied that:
  - (a) compliance with the requirement would be unnecessary or unreasonable having regard to the vessel, its equipment and its intended voyage; and
  - (b) giving the exemption would not contravene SOLAS.

*Note* *Marine Order 1 (Administration) 2011* deals with the following matters about exemptions and equivalents:

- making an application
- seeking further information about an application
- the time allowed for consideration of an application
- imposing conditions on approval of an application
- notification of a decision on an application
- review of decisions.

### 5A Equivalentents

- 5A.1 A person may apply, in accordance with the application process set out in Division 3 of *Marine Order 1 (Administration) 2011*, for approval to use an equivalent.
 

*Note* For definitions of *equivalent* and *use* — see subsection 5A.4.
- 5A.2 The decision maker for the application is the Manager, Ship Inspection and Registration.
- 5A.3 The Manager, Ship Inspection and Registration may approve use of an equivalent only if he or she is satisfied that:
  - (a) use of the equivalent would be at least as effective as compliance with the requirement to which the equivalent is an alternative; and
  - (b) approving use of the equivalent would not contravene SOLAS.

5A.4 In this section:

**equivalent** means:

- (a) a fitting, material, appliance or apparatus that may be fitted or carried in a vessel as an alternative to a fitting, material, appliance or apparatus that a section of this Order, or a provision of SOLAS, requires to be fitted or carried in a vessel; or
- (b) an arrangement that could be made or a procedure that could be followed, in or for a vessel, as an alternative to a requirement of:
  - (i) this Order, or
  - (ii) SOLAS.

**use**, of an equivalent, includes:

- (a) fitting or carrying the equivalent in or on a vessel; and
- (b) making an alternative arrangement or following an alternative procedure.

## 6 Issuing certificates

- 6.1 A vessel must be surveyed in accordance with *Marine Order 31 (Ship surveys and certification) 2006*.
- 6.2 The criterion for the issue of an HSC Safety Certificate incorporating a permit to operate is that the vessel complies with:
  - (a) for a vessel mentioned in paragraph 4(a) — the 2000 HSC Code; or
  - (b) for a vessel mentioned in paragraph 4(b) or (d) — the 1994 HSC Code.
- 6.3 The criterion for the issue of a DSC Construction and Equipment Certificate incorporating a permit to operate is that the vessel complies with the DSC Code.  
*Note Marine Order 31 (Ship surveys and certification) 2006 sets out information for applying for safety certificates.*
- 6.4 An HSC Safety Certificate is a safety certificate for subsection 99(1) of the Navigation Act.
- 6.5 A DSC Construction and Equipment Certificate is a safety certificate for subsection 99(1) of the Navigation Act.
- 6.6 An HSC Safety Certificate must specify a period of up to 5 years for which the certificate remains in force.
- 6.7 A DSC Construction and Equipment Certificate must specify a period of up to 1 year for which the certificate remains in force.

## 7 Variation of certificates

- 7.1 The criteria for variation of an HSC Safety Certificate by extending the term of the certificate are that:
  - (a) the certificate was issued for a term of less than 5 years and a further survey is carried out for the vessel; or
  - (b) a renewal survey has been completed for the vessel but a new HSC Safety Certificate cannot be issued or placed on board the craft before the expiry date of the existing HSC Safety Certificate; or
  - (c) when the certificate expires, the vessel is not in the place where it is to be surveyed, and it is reasonable in the circumstances to extend the period of the certificate to allow the vessel to proceed to the place where it is to be surveyed.
- 7.2 If a certificate is extended in accordance with paragraph 7.1(a) the term of extension must not exceed 5 years from the date of issue of the certificate.

- 7.3 If a certificate is extended in accordance with paragraph 7.1(b) the term of extension must not exceed 5 months from the expiry date of the certificate.
- 7.4 If a certificate is extended in accordance with paragraph 7.1(c):
- (a) the term of extension must not exceed 1 month from the expiry date of the certificate; and
  - (b) if the vessel has arrived at the place where it is to be surveyed, it must remain at that place until a new HSC Safety Certificate is issued; and
  - (c) a new certificate issued after the vessel is surveyed comes into effect when the original certificate expires.
- 7.5 The criteria for variation of a DSC Safety Certificate by extending the term of the certificate are that the survey and certification requirements mentioned in the DSC code are met.
- 7.6 The term of extension mentioned in subsection 7.5 must not exceed 1 year.

## **7A Revocation of certificates**

- 7A.1 The criteria for revocation of an HSC certificate are that:
- (a) the required surveys are not completed within the period mentioned in the relevant HSC Code; or
  - (b) the periodical surveys are not endorsed on the HSC Safety Certificate as required by the relevant HSC Code; or
  - (c) the vessel changes its country of registration.
- 7A.2 The criteria for revocation of a DSC certificate are that:
- (a) the required surveys are not completed within the period mentioned in the DSC Code; or
  - (b) the vessel changes its country of registration.

## **7B Operation of vessel in accordance with code and certificate**

- 7B.1 The master of a vessel must ensure that:
- (a) the vessel is operated in accordance with the requirements of the 1994 HSC Code, the 2000 HSC Code or the DSC Code that apply to the vessel; and
  - (b) any conditions of the permit to operate incorporated in the HSC Safety Certificate or the DSC Construction and Equipment Certificate issued for the vessel are complied with.
- Penalty: 50 penalty units.
- 7B.2 An offence against subsection 7B.1 is a strict liability offence.
- 7B.3 A person is liable to a civil penalty if the person contravenes subsection 7B.1.  
Civil penalty: 50 penalty units.

## **[10] Further amendments**

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 3.1	Inspections	Inspection and Registration
Section 4	Part	Order
Section 4	international	overseas
Paragraphs 4(a), (b) and (c)	ship	vessel

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Paragraph 4(c)	(d)	paragraph (d)
Paragraph 4(d)	ship registered in Australia and	regulated Australian vessel

**[11] Further amendments — definitions**

Each definition in section 2 is amended by:

- (a) omitting the concluding semi-colon and inserting a full stop; and
- (b) formatting the defined term in bold italic.

**Schedule 27 Marine Orders Part 50, issue 6**

(section 3)

**[1] Section 5**

*substitute*

**5 Power**

- 5.1 Section 18 of the Navigation Act provides that a vessel is a special purpose vessel if it:
  - (a) is used or for use for a purpose specified in the regulations; and
  - (b) is specified by the regulations to be a special purpose vessel for section 18.
- 5.2 Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to the Act.
- 5.3 Paragraph 339(2)(j) of the Navigation Act provides that regulations may make provision for or in relation to special purpose vessels.
- 5.4 Subsection 342(1) of the Navigation Act provides that AMSA may make orders about any matter for which provision must or may be made by regulations.

**[2] Section 6, definitions of crew, existing ship, special personnel and special purpose ship safety certificate**

*substitute*

**existing vessel** means a vessel constructed before 1 May 1987 other than a vessel that, after 30 April 1987, is modified resulting in any of the following:

- (a) a change to the length, breadth or least moulded depth of the vessel;
- (b) a change in the use or intended use of the vessel;
- (c) a change in the vessel's gross tonnage by more than 10%.

**[3] Section 6, definition of SPS Code**

*substitute*

**SPS Code** means the *Code of Safety for Special Purpose Ships* adopted by IMO Resolution MSC.266 (84), as in force from time to time.

**[4] Section 6, notes 1, 2 and 3**

*substitute*

*Note 1* A copy of each IMO resolution that adopts or amends this Code is available on AMSA's website at <http://www.amsa.gov.au>.

*Note 2* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- cargo vessel
- IMO
- Manager, Ship Inspection and Registration
- Navigation Act
- SOLAS.

*Note 3* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- foreign vessel
- inspector
- Marine Order
- recognised organisation
- regulated Australian vessel
- special personnel
- vessel.

**[5] Section 8**

*substitute*

**8 Application**

This Order applies to a special purpose vessel that is:

- (a) a regulated Australian vessel; or
- (b) a foreign vessel on a voyage starting or ending at a port in Australia or an Australian Territory.

**[6] Sections 9 and 10**

*substitute*

**9 Exemptions**

- 9.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for an exemption of a vessel from a requirement of this Order.
- 9.2 The decision maker for the application is the Manager, Ship Inspection and Registration.
- 9.3 The Manager, Ship Inspection and Registration may give an exemption only if he or she is satisfied that:
  - (a) compliance with the requirement would be unnecessary or unreasonable having regard to the vessel, its equipment and its intended voyage; and
  - (b) giving the exemption would not contravene SOLAS or the SPS Code.
- 9.4 The master of the vessel must ensure that a copy of the exemption is kept on the vessel for the duration of each voyage to which the exemption applies.

Penalty: 50 penalty units.
- 9.5 An offence against subsection 9.4 is a strict liability offence.

9.6 A person is liable to a civil penalty if the person contravenes subsection 9.5.

Civil penalty: 50 penalty units.

*Note* *Marine Order 1 (Administration) 2011* deals with the following matters about exemptions and equivalents:

- making an application
- seeking further information about an application
- the time allowed for consideration of an application
- imposing conditions on approval of an application
- notification of a decision on an application
- review of decisions.

## 10 **Equivalents**

10.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for approval to use an equivalent.

*Note* For definitions of *equivalent* and *use*, see subsection 10.4.

10.2 The decision maker for the application is the Manager, Ship Inspection and Registration.

10.3 The Manager, Ship Inspection and Registration may approve use of an equivalent only if he or she is satisfied that:

- (a) use of the equivalent would be at least as effective as compliance with the requirement to which the equivalent is an alternative; and
- (b) approving use of the equivalent would not contravene SOLAS or the SPS Code.

10.4 In this section:

*equivalent* means:

- (a) a fitting, material, appliance or apparatus that could be fitted or carried in a vessel as an alternative to a fitting, material, appliance or apparatus that a provision of this Order requires to be fitted or carried in the vessel; or
- (b) an arrangement that could be made, or a procedure that could be followed, in or for a vessel as an alternative to a requirement of this Order.

*use*, of an equivalent, includes:

- (a) fitting or carrying the equivalent in or on a vessel; and
- (b) making an alternative arrangement or following an alternative procedure.

## [7] **Sections 12 and 13**

*substitute*

## 12 **Meaning of special purpose vessel**

12.1 For paragraph 18(a) of the Navigation Act, it is a specified purpose that the vessel carries on board, in connection with the purpose of the vessel or work carried out on board the vessel, a person who is not any of the following:

- (a) a passenger;
- (b) a licensed pilot;
- (c) a seafarer who is not special personnel;
- (d) a child less than 1 year.

*Note* Uses for a special purpose vessel include drilling, laying cables, creating artificial islands, installing wind turbines and scientific exploration.



- 12.2 For paragraph 18(b) of the Navigation Act, a vessel is a special purpose vessel if it is self-propelled and, for its function, carries on board:
- (a) at least 13 special personnel; or
  - (b) at least 13 special personnel or passengers of whom:
    - (i) at least 1 is special personnel; and
    - (ii) no more than 12 are passengers.

## [8] Division 5

*substitute*

### Division 5 Certificates

#### 14 Certificates required for special purpose vessels

- 14.1 A special purpose vessel must have the following certificates:
- (a) a special purpose ship safety certificate;
  - (b) each certificate required by a marine order because it is a cargo vessel.
- 14.2 For subsection 99(1) of the Navigation Act, a special purpose safety certificate is a safety certificate

#### 15 Survey for special purpose vessels

A special purpose vessel must be surveyed in accordance with *Marine Order 31 (Ship surveys and certification) 2006* as if it were a cargo vessel.

#### 16 Issue of special purpose ship safety certificates

- 16.1 An issuing body may issue a special purpose ship safety certificate if:
- (a) an application is made under section 99 of the Navigation Act for a special purpose vessel; and
  - (b) the special purpose vessel is surveyed and the issuing body is satisfied that:
    - (i) the special purpose vessel complies with the SPS Code; or
    - (ii) AMSA has decided, under section 11, that the special purpose vessel is taken to comply with the SPS Code.
- 16.2 The special purpose ship safety certificate is a safety certificate for subsection 99(1) of the Navigation Act.
- 16.3 The certificate must:
- (a) be in the approved form; and
  - (b) specify a period of up to 5 years for which the certificate remains in force.
- 16.4 However, a vessel constructed before 1 January 2010 may use a special purpose ship safety certificate issued under *Marine Orders Part 50, issue 4*.

#### 17 Issue of certificates of survey for cargo vessels

- 17.1 An issuing body may issue a certificate of survey for a cargo vessel relevant to its size and operation if:
- (a) an application is made under section 99 of the Navigation Act for a safety certificate for a special purpose vessel; and
  - (b) the vessel is surveyed and the issuing body is satisfied that it complies with all the survey requirements mentioned in sections 8, 9, 10 and 13 of *Marine Order 31 (Vessel surveys and certification) 2006*.

- 17.2 The certificate of survey is a safety certificate for subsection 99(1) of the Navigation Act.
- 17.3 The certificate of survey must specify a period of up to 5 years for which the certificate remains in force.

*Note 1* For the use of an approved form — See *Marine Order 1 (Administration) 2011*.

*Note 2* Approved forms are available on AMSA's website <http://www.amsa.gov.au>.

*Note 3* A fee may be determined for processing an application under this section — see the *Australian Maritime Safety Authority Act 1990*, s 47.

**[9] After subsection 18.1**

*omit*

This is a penal provision.

*insert*

Penalty: 50 penalty units.

- 18.1A An offence against subsection 18.1 is a strict liability offence.
- 18.1B A person is liable to a civil penalty if the person contravenes subsection 18.1.  
Civil penalty: 50 penalty units.

**[10] Schedule 1**

*omit*

**[11] Further amendments**

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 1	50, issue 6	50 ( <i>Special purpose vessels</i> ) 2012
Subsection 4.1	ships	vessels
Section 6, definition of <b><i>SPS Code</i></b>	by MSC.299(87)	from time to time
Subsection 7.2	ship	vessel
Section 11	ship	vessel
Section 11	ship's	vessel's
Subsections 18.1 and 18.2	ship	vessel
Subparagraph 18.1(b)(ii)	ship's	vessel's

**Schedule 28 Marine Orders Part 51, issue 1**

(section 3)

**[1] Section 1, heading**

*omit*

**[2] Subsection 1.1**

*substitute*

**1 Name of Order**

This Order is *Marine Order 51 (Fishing vessels) 1989*.

## 1A Purpose

This Order sets out:

- (a) standards of competence to be attained and other conditions to be satisfied by a person to be a qualified skipper, officer in charge of a navigational watch, engineer or deck hand for a fishing vessel; and
- (b) stability requirements for fishing vessels.

## 1B Power

- 1B.1 Subsection 29(1) of the Navigation Act provides that the regulations may prescribe different classes of seafarer certificates and may require that an individual hold a seafarer certificate of a particular kind to undertake particular duties, or perform particular functions, as a seafarer.
- 1B.2 Subsection 29(2) of the Navigation Act provides that the regulations may prescribe criteria for certain specified matters for seafarer certificates, including proficiencies, competencies and standards, qualifications, experience and health.
- 1B.3 Subsection 29(3) of the Navigation Act provides that the regulations may provide for a number of matters, including the instruction, training and examination of seafarers, the gaining of sea service and other experience and the conduct of examinations.
- 1B.4 Section 35 of the Navigation Act provides that a person must not perform duties or functions in relation to a regulated Australian vessel if the regulations require the person to hold a particular seafarer certificate to perform them, and the person does not hold such a certificate.
- 1B.5 Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act.
- 1B.6 Paragraph 339(2)(e) of the Navigation Act provides for regulations to be made about the stability of vessels.
- 1B.7 Subsection 342(1) of the Navigation Act provides that AMSA may make orders for any matter for which provision must or may be made by the regulations.

## [3] Subsection 1.2

*omit*

Part, unless the contrary intention appears, the following definitions apply:

*insert*

Order:

## [4] Subsection 1.2, definitions of *Chief Marine Surveyor*, *Manager*, *length* and *IMO*

*omit*

## [5] After definition of *valid*

*insert*

*Note 1* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011* including:

- fishing operations
- fishing vessel

- length
- IMO
- Manager, Ship Inspection and Registration
- USL Code.

*Note 2* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- overseas voyage
- regulated Australian vessel.

## [6] Sections 3, 4 and 5

*substitute*

### 3 Exemptions

- 3.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for an exemption of a vessel from a requirement of this Order.
- 3.2 The decision maker for the application is the Manager, Ship Inspection and Registration.
- 3.3 The Manager, Ship Inspection and Registration may give an exemption only if he or she is satisfied that compliance with the requirement would be impracticable, unnecessary or unreasonable having regard to the vessel, its equipment and its intended voyage.

*Note* *Marine Order 1 (Administration) 2011* deals with the following matters about exemptions and equivalents:

- making an application
- seeking further information about an application
- the time allowed for consideration of an application
- imposing conditions on approval of an application
- notification of a decision on an application
- review of decisions.

### 4 Equivalents

- 4.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for approval to use an equivalent.
- 4.2 The decision maker for the application is the Manager, Ship Inspection and Registration.
- 4.3 The Manager, Ship Inspection and Registration may approve use of an equivalent only if he or she is satisfied that use of the equivalent would be at least as effective as compliance with the requirement to which the equivalent is an alternative.

- 4.4 For this provision:

***equivalent*** means:

- (a) a fitting, material, appliance or apparatus that may be fitted or carried in a vessel as an alternative to a fitting, material, appliance or apparatus that a provision of this Order requires to be fitted or carried in a vessel; or
- (b) an arrangement that could be made or a procedure that could be followed in or for a vessel as an alternative to a requirement of this Order.

*use*, of an equivalent, includes:

- (a) fitting or carrying the equivalent in or on a vessel; and
- (b) making an alternative arrangement or following an alternative procedure.

## 5 Stability and subdivision

For compliance with subsection 7.2 of *Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2009*, a fishing vessel must comply with subsection D of section 5 of the USL Code, to the extent that it relates to Class 3 ships.

### [7] Section 6, note

*omit*

### [8] Further amendments

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 1.2, heading	1.2	1C
Subsection 1.2, definition of <i>approved</i>	Chief Marine Surveyor	Manager, Ship Inspection and Registration
Subsection 1.2, definition of <i>valid</i>	certificate of qualification, means a certificate that is current, is not cancelled or under suspension	seafarer certificate, means a certificate that is current, not revoked or not varied by suspension
Section 2	Part	Order
Section 6, heading	crew	seafarers
Subsection 6.1	4.1 of Marine Orders, Part 3 (Seagoing Qualifications)	subsection 4.1 of <i>Marine Order 3 (Seagoing qualifications) 2004</i>
Subsection 6.1	section 16 of the Navigation Act to form part of the crew of	section 35 or 36 of the Navigation Act to perform duties and functions in relation to
Subsection 6.1	Manager	Manager, Ship Operations and Qualifications
Subsection 6.1	Appendix	Schedule
Subsection 6.1	Part	Order
Subsection 6.2	3.1 of Marine Orders, Part 9 (Health — Medical Fitness)	subsection 3.1 of <i>Marine Order 9 (Health — medical fitness) 2010</i>
Subsection 6.2	form part of the crew of	perform duties and functions in relation to
Appendix 1, heading, first	Appendix	Schedule

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
sentence and addendum		
Appendix 1	6.1(a) of this Part	paragraph 6.1(a) of this Order
Appendix 2	Appendix	Schedule
Appendix 2	provision 6.1(b)	paragraph 6.1(b) of this Order
Appendix 3, heading, first sentence and addendum	Appendix	Schedule
Appendix 3	provision 6.1(c)	paragraph 6.1(b) of this Order

## Schedule 29 Marine Orders Part 52, issue 2

(section 3)

### [1] Before section 1

*insert*

### 1A Name of Order

This Order is *Marine Order 52 (Sailing vessels) 1999*.

### [2] Section 1, definitions of AMSA, Chief Marine Surveyor, Manager, SOLAS and the USL code

*omit*

### [3] Subsection 1.2

*substitute*

*Note 1* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- Manager, Ship Inspection and Registration
- Manager, Ship Operations and Qualifications
- Navigation Act
- passenger vessel
- SOLAS
- USL Code.

*Note 2* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- inspector
- master
- owner
- recognised organisation
- regulated Australian vessel.

**[4] Sections 2 to 5**

*substitute*

**2 Purpose**

This Order:

- (a) specifies requirements with which the construction, hull, equipment and machinery of sailing vessels must comply; and
- (b) provides for the survey, inspection and issue of certificates for sailing vessels; and
- (c) provides for the safety of sail trainees.

**3 Power**

- 3.1 Subsection 98(2) of the Navigation Act provides that the regulations may give effect to the Safety Convention and the Load Lines Convention.
- 3.2 Subsection 98(3) of the Navigation Act provides that the regulations for vessels included in a particular class may provide for safety certificates relating to the following matters:
  - (a) survey;
  - (b) construction;
  - (c) machinery and equipment;
  - (d) other matters relating to the safety of vessels.
- 3.3 Section 314 of the Navigation Act provides that the regulations may provide for matters relating to certificates.
- 3.4 Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act.
- 3.5 Paragraph 339(2)(a) of the Navigation Act provides that the regulations may provide for the design and construction of vessels.
- 3.6 Paragraph 339(2)(b) of the Navigation Act provides that the regulations may provide for the machinery and equipment to be carried on board vessels.
- 3.7 Paragraph 339(2)(e) of the Navigation Act provides that the regulations may provide for the stability of vessels.
- 3.8 Paragraph 339(2)(i) of the Navigation Act provides that regulations may provide for the maintenance, testing, survey and certification of vessels.
- 3.9 Paragraph 340(1)(a) of the Navigation Act provides that the regulations may give effect to SOLAS.
- 3.10 Paragraph 340(1)(d) of the Navigation Act provides that the regulations may give effect to the Load Lines Convention.
- 3.11 Subsection 342(1) of the Navigation Act provides that AMSA may make an order for any matter for which regulations may provide.

**4 Application**

This Order applies to a sailing vessel that is a regulated Australian vessel.

## 5 Exemptions

- 5.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011* for an exemption of a vessel from a requirement of this Order.
- 5.2 The decision maker for the application is the Manager, Ship Inspection and Registration.
- 5.3 The Manager, Ship Inspection and Registration may give an exemption only if he or she is satisfied that:
- compliance with the requirement would be unnecessary or unreasonable having regard to the vessel, its equipment and its intended voyage; and
  - giving the exemption would not contravene SOLAS, this Order or the USL Code.

*Note* *Marine Order 1 (Administration) 2011* deals with the following matters about exemptions and equivalents:

- making an application
- seeking further information about an application
- the time allowed for consideration of an application
- imposing conditions on approval of an application
- notification of a decision on an application
- review of decisions.

## 5A Equivalentents

- 5A.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011* for approval to use an equivalent.
- Note* For definitions of *equivalent* and *use* — see subsection 5A.4.
- 5A.2 The decision maker for the application is the Manager, Ship Inspection and Registration.
- 5A.3 The Manager, Ship Inspection and Registration may approve use of an equivalent only if he or she is satisfied that:
- use of the equivalent would be at least as effective as compliance with the requirement to which the equivalent is an alternative; and
  - approving use of the equivalent would not contravene SOLAS, this Order or the USL Code.

- 5A.4 In this section:

*equivalent* means:

- a fitting, material, appliance or apparatus that could be fitted or carried in a vessel as an alternative to a fitting, material, appliance or apparatus that a provision of this Order requires to be fitted or carried in the vessel; or
- an arrangement that could be made, or a procedure that could be followed, in or for a vessel as an alternative to a requirement of this Order.

*use*, of an equivalent, includes:

- fitting or carrying the equivalent in or on a vessel; and
- making an alternative arrangement or following an alternative procedure.



**5B Review of decisions**

A decision under subsection 10.1 is taken to be a reviewable decision for section 18 of *Marine Order 1 (Administration) 2011*.

*Note* For review of decisions by the Administrative Appeals Tribunal — see section 313 of the Navigation Act.

**[5] Subsection 6.1**

*substitute*

- 6.1 For sections 103 and 104 of the Navigation Act, a sailing vessel must have a certificate of survey appropriate to the voyage.

*Note 1* It is an offence under sections 103 and 104 of the Navigation Act if a vessel is taken to sea without a certificate of a specified kind in force for the vessel.

*Note 2* In addition to a certificate of survey appropriate to the voyage, a sailing vessel may require certificates provided for in other Marine Orders. For example, *Marine Order 31 (Ship surveys and certification) 2006*, sets out requirements for sailing vessels with a gross tonnage of over 50 tons.

**[6] Subsection 6.2, heading and note**

*omit*

**[7] After subsection 6.2**

*insert*

- 6.2A For subsection 99(1) of the Navigation Act, a certificate of survey appropriate to the voyage is a safety certificate.
- 6.2B For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of a certificate of survey appropriate to the voyage are that:
- (a) the vessel has been surveyed in accordance with Regulations 8 and 9 of Chapter I of SOLAS; and
  - (b) the vessel complies with subsections 6.3 and 6.4 and sections 7 to 9.
- 6.2C For subsection 101(1) of the Navigation Act, the criteria for variation of a certificate of survey appropriate to the voyage are that:
- (a) a written application is made to the issuing body, stating the nature of the variation; and
  - (b) the vessel has a valid certificate of survey appropriate to the voyage; and
  - (c) the vessel complies with the survey requirements of Regulations 8 and 9 of Chapter I of SOLAS; and
  - (d) the vessel undergoes any additional surveys required by the Manager, Ship Inspection and Registration; and
  - (e) the vessel complies with any conditions imposed by the Manager, Ship Inspection and Registration.
- 6.2D For section 102 of the Navigation Act, the criteria for revocation of a certificate of survey appropriate to the voyage are that:
- (a) the required surveys are not completed within the time periods mentioned in Regulations 8 and 9 of Chapter I of SOLAS; or
  - (b) the certificate is not endorsed in accordance with *Marine Order 31 (Ship surveys and certification) 2006*; or
  - (c) the vessel ceases to be registered in Australia.

**[8] After subsection 10.2***insert*

Penalty: 50 penalty units.

10.3 An offence against subsection 10.2 is a strict liability offence.

10.4 A person is liable to a civil penalty if the person contravenes subsection 10.2.

Civil penalty: 50 penalty units.

**[9] After section 11***insert*

Penalty: 50 penalty units.

11.2 An offence against subsection 11.1 is a strict liability offence.

11.3 A person is liable to a civil penalty if the person contravenes subsection 11.1.

Civil penalty: 50 penalty units.

**[10] Further amendments**

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 1	1.1 In this Part, the following definitions apply	In this Order
Section 1, definition of <i>sail trainee</i>	ship	vessel
Section 1, definition of <i>sail trainee</i>	ship's	vessel's
Section 1, definition of <i>sail trainee</i> , note	Part	Order
Section 1, definition of <i>sailing ship</i>	ship	vessel
Subsection 6.2	In 6.1	6.2 In subsection 6.1
Subsections 6.2, 6.3 and 6.4	ship	vessel
Subsection 6.4	Chief Marine Surveyor	Manager, Ship Inspection and Registration
Section 7	ships	vessels
Subsection 7.1	Marine Orders, Part 12	<i>Marine Order 12</i>
Subsection 7.1	(Ship Construction and Stability)	<i>(Ship construction and stability) 2009</i>
Subsections 7.1 and 7.2	ship	vessel
Subsection 7.2, note	Chief Marine Surveyor	Manager, Ship Inspection

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
		and Registration
Subsection 7.3.1	passenger ship	sailing vessel that is a passenger vessel
Subsections 7.3.2, 7.3.3 and 7.3.4	ship	vessel
Subsection 7.3.3	Chief Marine Surveyor	Manager, Ship Inspection and Registration
Subsection 7.3.3	7.3.1	subsections 7.3.1
Subsection 7.3.4	Chief Marine Surveyor	Manager, Ship Inspection and Registration
Subsection 7.4	Chief Marine Surveyor	Manager, Ship Inspection and Registration
Section 8	ship	vessel
Subsection 8.1	Chief Marine Surveyor	Manager, Ship Inspection and Registration
Section 9	ship	vessel
Section 9	Marine Orders, Part 14 (Accommodation)	<i>Marine Order 11 (Living and working conditions on vessels) 2012</i>
Paragraph 9(b)	Manager	Manager, Ship Operations and Qualifications
Paragraph 9(b)	crew, sail trainees	seafarers including sail trainees
Section 10	ship	vessel
Subsection 10.1	Manager	Manager, Ship Operations and Qualifications
Subsection 10.1	seamen	seafarers
Subsection 10.2	10.1	subsection 10.1
Section 11	The	11.1 The
Section 11	ship	vessel
Section 11	as soon as practicable	within 24 hours

## Schedule 30 Marine Orders Part 54, issue 5

(section 3)

### [1] Before subsection 5.1

*insert*

- 5.1A Section 164 of the Navigation Act provides that the regulations may make provision in relation to the licensing of pilots and pilotage providers.

**[2] After subsection 5.4**

*insert*

5.4A Section 314 of the Navigation Act provides that the regulations may provide for matters relating to certificates.

**[3] Section 6, definitions of *accident*, *Act*, *amend*, *AMSA* and *penal provision***

*omit*

**[4] Section 6, after definition of *unrestricted pilot licence***

*insert*

*vary*, for a licence, includes the following:

- (a) vary an existing licence condition;
- (b) impose a new licence condition;
- (c) remove an existing licence condition.

**[5] Section 6, note at foot**

*substitute*

*Note* Some terms used in this Order are defined in the Navigation Act, including:

- AMSA
- coastal sea of Australia
- licensed pilot
- pilotage provider
- recognised organisation
- seafarer
- STCW Convention
- vessel.

**[6] After section 8, including the note**

*insert*

*Note 2* For the kinds of vessels to which this Order applies see subsection 162(1) and Part 3 of Chapter 1 of the Navigation Act.

**[7] Subdivision 2.1**

*omit*

**[8] Section 51, notes**

*substitute*

*Note* It is a condition of a pilotage provider licence that records required by the Safety Management System are kept for at least 5 years after the records were made — see section 50.

**[9] Sections 116 and 117**

*substitute*

**116 Review of decisions**

A decision mentioned in Schedule 3 is taken to be a reviewable decision for section 18 of *Marine Order 1 (Administration) 2011*.

**[10] Other amendments**

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 1	<i>Orders Part 54, issue 5</i>	<i>Order 54 (Coastal pilotage) 2011</i>
Section 4	Part	Order
Paragraph 4(a)	pilotage provider	licensing of pilotage providers and pilotage provider
Paragraph 4(b)	licensed	licensing of
Subsection 5.1	Division 1 of Part IIIA of the	Subsection 165(1) of the Navigation
Subsection 5.1	pilotage	licensed pilots and pilotage
Subsection 5.2	Division 1 of Part IIIA of the Act	Subsection 165(2) of the Navigation Act
Subsection 5.2	licensing of pilots, the qualifications of pilots	duties of a licensed pilot and pilotage provider
Subsection 5.2	carry out	discharge
Subsection 5.3	186H of the Act	163 of the Navigation Act
Subsection 5.3	specify	prescribe
Subsection 5.3	Division 2 of Part IIIA	Part 2 of Chapter 6
Subsection 5.4	186K(2) of the	172(2) of the Navigation
Subsection 5.5	425(1) of the	339(1) of the Navigation
Subsection 5.6	425(1AA) of the	342(1) of the Navigation
Section 6	this Part	this Order
Section 6, definitions of <i>approved auditor, approved fatigue risk management plan</i> and <i>Certificate of Medical Fitness</i>	provision	section
Section 6, definition of <i>Certificate of Medical Fitness</i>	Marine Orders, Part 9 (Health — Medical Fitness)	<i>Marine Order 9 (Health — medical fitness) 2010</i>
Section 6, definition of <i>check pilot licence</i>	provision	section
Section 6, definition of <i>chemical tanker</i>	Marine Orders Part 17 (Liquefied Gas Carriers and Chemical Tankers)	<i>Marine Order 17 (Liquefied gas carriers and chemical tankers) 2006</i>
Section 6, definitions of <i>chemical</i>	ship	vessel

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
<b><i>tanker, draught, gas carrier, oil tanker, pilot launch, pilot transfer standards and Torres Strait</i></b>		
Section 6, definitions of <b><i>compliance audit</i></b> and <b><i>internal audit</i></b>	Part	Order
Section 6, definitions of <b><i>designated person, disciplinary action</i></b> and <b><i>fatigue risk management plan</i></b>	provision	section
Section 6, definition of <b><i>gas carrier</i></b>	Marine Orders Part 17 (Liquefied Gas Carriers and Chemical Tankers)	<i>Marine Order 17 (Liquefied gas carriers and chemical tankers) 2006</i>
Section 6, definition of <b><i>inner route pilotage area</i></b> , notes	subpar	subparagraph
Section 6, definitions of <b><i>licensee, passage plan model, pilotage area</i></b> and <b><i>pilot licence</i></b>	provision	section
Section 6, definitions of <b><i>REEFREP, REEFREP area</i></b> and <b><i>REEFVTS</i></b>	Marine Orders Part 56 (REEFREP)	<i>Marine Order 56 (REEFREP) 2004</i>
Section 6, definitions of <b><i>REEFREP area, REEFVTS, restricted pilot licence, safety management system, trainee pilot licence</i></b> and <b><i>unrestricted pilot licence</i></b>	provision	section
Section 7	Part	Order
Section 8, heading	Application — Act, s 186H	Application
Section 8	This Part applies to pilots and pilotage of ships	For subsection 162(2) of the Navigation Act, this Order applies to pilots and pilotage of vessels
Section 8	Australian coastal sea	coastal sea of Australia
Section 8, note	<i>Note</i>	<i>Note 1</i>
Section 8, note	Pr	Section
Subsection 10.1, note 1	s 338	sections 136.1 and 137.1
Subsection 10.2, note 2	pr	section
Subsection 10.4	provision	subsection
Subsection 10.5	provision	section
Subsection 11.1	provision	section
Subsection 11.3, note	provision	section

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 11.3, note	pr	section
Paragraph 11.5	Part	Order
Paragraph 11.5	Act	Navigation Act
Subsection 11.6	Provision	Subsection
Subsection 12.1	provision 11	section 11
Subparagraph 12.1(b)(vii)	provision 13.2	subsection 13.2
Subsection 13.1	Act	Navigation Act
Subsection 13.2	amended	varied
Subdivision 2.3, heading	Amendment	Variation
Section 15, heading	Amendment	Variation
Section 15	amend	vary
Subsection 15.1	an amendment	a variation
Section 15.1, note	pr	section
Subsections 15.2, 15.3 and 15.5	amendment	variation
Subsection 15.3	Provision	Subsection
Subsection 15.4	provision	section
Section 16, heading	Amendment	Variation
Section 16	amend	vary
Subsection 16.1, note 2	pr	section
Subsection 16.2	provision	section
Paragraph 16.2(b)	amended	varied
Subsection 16.2, note	pr	section
Subsection 16.4	provision	section
Subsection 16.5	provision	subsection
Paragraph 16.7(a)	amendment	variation
Subsection 16.8, note	provision	section
Subsection 16.8, note	pr	section
Subsection 17.1	provision	section
Subsection 17.2, note 1	pr	section
Subsection 17.3	provision	section
Subsection 17.4	provision	subsection
Subsection 17.5	provision 17.4	subsection 17.4
Subsection 17.5	provision 32	section 32
Subsection 17.6	provision 17.4	subsection 17.4
Subsection 17.6	provision 32	section 32

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 17.7, note	Part	Order
Subsection 18.1, note	provision	section
Subsection 18.2, note	pr	section
Subsections 18.4	provision	subsection
Subsections 18.5 and 19.1	provision	section
Subsection 19.3, note	provision	section
Subsection 19.3, note	pr	section
Subsection 19.5	Part	Order
Subsection 19.5	Act	Navigation Act
Subsection 19.6	Provision	Subsection
Subsection 19.6	provision	section
Subsection 20.2, note 1	pr	section
Sections 21 and 23	provision	section
Section 23	amend	vary
Section 23	an amendment	a variation
Section 23	Part	Order
Section 23, notes	pr	section
Subsection 24.2	provision	section
Section 25	Part	Order
Section 28	amendment	variation
Section 28	Act	Navigation Act
Section 28	Part	Order
Paragraph 29(c)	amending	varying
Paragraph 30.1(a)	amendment	variation
Subsections 30.3 30.5, 32.2, notes	pr	section
Subsection 32.4	provision	section
Subsection 32.5	provision	subsection
Subsections 33.1	provision	section
Subsection 33.3, note	pr	section
Subsection 33.4	provision	section
Subsection 33.4	Part	Order
Subsection 33.5	Provision	Subsection
Subsection 33.5	provision	subsection
Section 34, note	pr	subsection



<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 35, definition of <b><i>demerit points register</i></b>	provision	section
Section 35, definition of <b><i>maximum demerit points</i></b>	provision 33	section 33
Section 35, definition of <b><i>maximum demerit points</i></b>	provision 39.3	subsection 39.3
Table 36.3, Item 6	ship	vessel
Subsection 37.1	provision	section
Subsection 37.2	provision	subsection
Paragraph 39.1(b)	provision	subsection
Paragraph 39.2(b)	provision 39.3	subsection 39.3
Paragraph 39.2(b)	provision 33	section 33
Subsection 40.2	provision	section
Paragraph 40.3(d)	amend	vary
Paragraph 40.3(d)	amending	varying
Subsections 40.4 and 40.5	provision	subsection
Subsection 40.6	provision 40.2	subsection 40.2
Subsection 40.6	provision 41	section 41
Section 41	provision	section
Subsection 42.2	Part	Order
Paragraph 44(d)	ship	vessel
Paragraph 44(e)	ships	vessels
Section 45, note	pr	section
Section 46	ship	vessel
Sections 47 and 48	ship	vessel
Section 48	provision	section
Section 49	survey authority	recognised organisation
Subsection 51.2	Part	Order
Subsection 51.2	provision	section
Subsections 52.1, 52.3, 53.1 and 53.2	ship	vessel
Section 53	provision	section
Section 54	ship	vessel
Subsection 54.1, note	pr	section
Subsection 54.2	provision	section
Section 55	provision	section

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 56.2	this provision	this subsection
Subsection 56.2, definition of <b><i>pilotage crew</i></b>	provision	subsection
Section 57	provision	section
Paragraph 57.2(b)	crew	seafarers
Subsection 59.1, note	pr	section
Subsection 59.2, note	provision	section
Section 60	Part	Order
Section 60, note	pr 10	section 10
Section 60, note	pr 15	sections 15
Section 60, note	an amendment	a variation
Section 61	provision	section
Section 62.1	Act	Navigation Act
Section 62.1	Part	Order
Section 63	Part	Order
Section 64	Act	Navigation Act
Sections 65 and 66	Part	Order
Section 66, note	pr	section
Section 67	Part	Order
Sections 67 and 68	ship	vessel
Section 68	provision	section
Subsection 68.1	Part	Order
Subsection 68.1	ships	vessels
Sections 69 and 70	Part	Order
Section 70, note	Act, s 186B	Navigation Act, s 14
Subsection 71.1, note 1	s 338	sections 136.1 and 137.1
Subsection 71.1, note 2	provision	section
Subsection 71.2, note	pr	section
Subsection 71.4	provision	subsection
Section 72	provision	section
Subsection 72.3, note	pr	section
Paragraph 73.1(b)	ship	vessel
Subsection 73.3	provision	section
Subsection 74.1	Act	Navigation Act
Subsection 74.2 note	pr	section

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 75.2	provision	subsection
Subsections 75.2 and 75.3	expires	ceases to be in force
Subdivision 7.3, heading	Amendment	Variation
Section 76, heading	Amendment	Variation
Section 76	an amendment	a variation
Section 76	amend	vary
Section 76	pr	section
Section 76	amendment	variation
Subsection 76.3	Provision	Subsection
Subsection 77, heading	Amendment	Variation
Subsection 77.1	amend	vary
Subsection 77.1, note	provision	section
Subsection 77.2	amended	varied
Subsection 77.2, note	pr	section
Subsections 77.4 and 77.5	provision	subsection
Subsection 77.6	amendment	variation
Subsection 77.7	amend	vary
Subsection 77.7, note	provision	section
Subsection 77.7, note	pr	section
Subsection 77.8	amend	vary
Subsection 77.8	amended	varied
Subsection 77.8, note	pr	section
Subsection 77.9	amend	vary
Section 78	provision	section
Subsection 78.2, note	pr	section
Subsection 79.1	provision	section
Subsection 79.3, note	provision	section
Subsection 79.3, note	pr	section
Subsection 79.5	Provision	Subsection
Subsection 80.2	provision	subsection
Section 82	ships	vessels
Subparagraph 82(b)(i)	Marine Orders, Part 3	<i>Marine Order 3 (Seagoing qualifications) 2004</i>
Paragraph 82(e)	pilotae	pilotage

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 84	ships	vessels
Subsection 84.3	provision	section
Paragraph 85.2(d)	ships	vessels
Subsection 85.3	provision	section
Subparagraph 85.3(a)(ii)	ship	vessel
Subparagraph 85.3(c)(i)	ships	vessels
Subparagraph 85.3(c)(ii)	ship	vessel
Subsections 86.2 and 86.3	provision	section
Paragraph 87.1(d)	provision	subsection
Paragraph 87.2(e)	ships	vessels
Subsections 87.3 and 87.4	provision	subsection
Section 88	amendment	variation
Section 88	Act	Navigation Act
Section 88	Part	Order
Paragraph 89(d)	amending	varying
Paragraph 90.1(a)	amendment	variation
Subsection 90.2, note	pr	section
Subsection 90.5	provision	section
Subsection 92.1	ship	vessel
Subsection 92.7	provision	subsection
Subsection 93.1 and 93.2	ship	vessel
Paragraph 93.1(a)	ship's	vessel's
Paragraph 93.1(c)	Act	Navigation Act
Subsection 93.1, examples	par	paragraph
Subsection 93.1, note	pr	subparagraph
Subsection 93.3	provision	section
Subsection 93.3	Act, s 9A	Navigation Act, s 14
Subsection 93.3, note 2	pr	section
Subsections 94.1 and 95.2	ship	vessel
Subsection 95.2	Marine Orders Part 56 (REEFREP)	<i>Marine Order 56 (REEFREP) 2004</i>
Subsection 95.3	provision	subsection
Subsection 97.2	pr	section
Sections 97 and 99	provision	section
Subsection 100.1, note	provision	section

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 100.2	provision	section
Subsection 100.2, note	pr	section
Subsection 100.5	provision	subsection
Subsection-101.1	provision	section
Subsection 101.3, note and 104.2, note 1	pr	section
Subsections 104.1 and 104.3	provision	section
Subsection 104.2, note 1	provision	section
Subsection 104.4	provision	subsection
Subsection 105.1, note	provision	section
Subsection 105.2, note	pr	section
Subsection 106.1	provision	section
Subsections 106.2, note and 106.4, note	provision	section
Subsections 106.2, note and 106.4, note	pr	section
Subsection 106.6	Provision	Subsection
Sections 108 and 109	provision	section
Subsection 110.1	Act	Navigation Act
Subsection 110.3	Part	Order
Section 113, heading	Act, s 186H (1)	Navigation Act, s 163(1)
Section 113	the Act, section 186H (1)	subsection 163(1) of the Navigation Act
Division 12, heading	Part	Order
Section 114, heading	Act, s 186K (2) (b)	Navigation Act, s 172(2)(b)
Section 114	the Act, section 186K (2) (b)	paragraph 172(2)(b) of the Navigation Act
Section 114	ship	vessel
Section 114	ship's	vessel's
Paragraph 114(b)	operator	owner
Subsection 118.1	Part	Order
Subsection 119.1	Under the Act, section 6F	For section 338 of the Navigation Act
Subsection 119.1	Part	Order
Sections 120 and 121	this Part	this Order
Subsections 122.1 and 122.2	clause	paragraph

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 124	clause	subclause
Schedule 1, heading	pr	section
Schedule 1, clause 1.1	provision	section
Schedule 1, clause 1.1	Part	Order
Schedule 1, clause 1.2	people; and	seafarers, who:
Schedule 1, clause 1.2	(c) have a crew	(i) have
Schedule 1, clause 1.2	(d) have a crew that	(ii)
Schedule 1, paragraph 1.3(a)	crew	seafarers
Schedule 1, paragraphs 1.4(a) and 1.7(a)	ships	vessels
Schedule 1, paragraph 1.5(a)	crew	seafarer
Schedule 1, paragraph 1.5(b)	crew	seafarers
Schedule 1, clause 1.6	ship	vessel
Schedule 1, paragraph 1.7(c)	ship	vessel
Schedule 1, clause 1.8, note 2	crew	seafarers
Schedule 1, clause 1.9.1	launch master, pilot and crew members	pilot and seafarers
Schedule 1, subclauses 1.9.1, 1.10.1 and 1.10.4	ship	vessel
Schedule 2, heading	pr	section
Schedule 3, item 2	amend	vary

## Schedule 31 Marine Orders Part 55, issue 2

(section 3)

### [1] Before section 1

*insert*

#### 1A Name of Order

This Order is *Marine Order 55 (Publication of information about vessels) 2004*.

### [2] Subsections 1.2 and 1.3

*substitute*

#### Power

- 1.2 Section 336 of the Navigation Act provides that AMSA may publish information about a vessel as prescribed by the regulations.
- 1.3 Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to that Act.

- 1.4 Subsection 342(1) of the Navigation Act provides that AMSA may make orders about any matter for which provision may or must be made by the regulations.

**[3] Sections 2 to 4**

*substitute*

**2 Definitions**

In this Order:

***Safety Management Certificate*** means a certificate issued in accordance with Regulation 4.3 of Chapter IX of SOLAS.

*Note 1* Some terms used in this Order are defined or explained in *Marine Order 1 (Administration) 2011*, including:

- IMO
- Navigation Act
- SOLAS.

*Note 2* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- foreign vessel
- inspector
- recognised organisation
- regulated Australian vessel.

**4 Application**

This Order applies to information that:

- (a) is about:
- (i) a regulated Australian vessel; or
  - (ii) a foreign vessel:
    - (A) in an Australian port; or
    - (B) entering or leaving an Australian port; or
    - (C) in the internal waters of Australia; or
    - (D) in the territorial sea of Australia, other than in the course of innocent passage; and
- (b) was obtained:
- (i) during an inspection of the vessel under section 256 or 257 of the Navigation Act; or
  - (ii) during a survey of the vessel under the Navigation Act; or
  - (iii) during an inspection or survey of the vessel conducted otherwise than under the Navigation Act; or
  - (iv) otherwise than by an inspection or survey of the vessel.

**[4] Subsection 5.1.2, footnote 1**

*substitute as note at foot of subsection 5.1.2*

*Note* The most commonly published aggregated data relate to deficiencies, flag states, recognised organisations or similar organisations, and kinds of vessels.

**[5] Further amendments**

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 1.1	Part of Marine Orders	Order
Subsection 1.1	ship	vessel
Subsection 5.1.1	190AB	336
Subsection 5.1.1	ship	vessel
Paragraph 5.1.1(f)	ship's	vessel's
Paragraph 5.1.1(q)	crew	seafarers'
Subsection 5.2	section 190AB	subsection 336(2)
Subsection 5.3	section 190AB	paragraph 336(2)(c)

**Schedule 32 Marine Orders Part 56, issue 2**

(section 3)

**[1] Subsection 1.2.1***substitute*

- 1.2.1 Paragraph 340(1)(a) of the Navigation Act provides that the regulations may provide for giving effect to SOLAS.

**[2] Subsection 1.2.2***substitute*

- 1.2.2 Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters requiring or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

**[3] Section 2, heading***substitute***2 Definitions**

In this Order:

**[4] Section 2, definitions of *IMO*, *Navigation Act*, *overall length*, *penal provision* and *SOLAS****omit***[5] Section 2, note at the foot***substitute*

*Note 1* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- IMO
- Navigation Act
- SOLAS.

*Note 2* Other terms used in this Order are defined in the Navigation Act, including:

- length overall



- domestic commercial vessel
- foreign vessel
- regulated Australian vessel.

**[6] Subsection 3.2**

*omit*

**[7] Section 4, note**

*substitute*

*Note* This Order applies to a vessel of a kind mentioned in this section whether or not it is a regulated Australian vessel, foreign vessel or domestic commercial vessel. See Part 3 of Chapter 1 of the Navigation Act.

**[8] After section 5**

*insert*

5.2 An offence against subsection 5.1 is a strict liability offence.

5.3 A person is liable to a civil penalty if the person contravenes subsection 5.1.

Civil penalty: 50 penalty units.

**[9] Other amendments**

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 1A	<i>Orders Part 56, issue 2</i>	<i>Order 56 (REEFREP) 2004</i>
Subsection 1.1	Part	Order
Subsection 1.2.3	425(1AA)	342(1)
Section 2, definitions of <b><i>chemical tanker, combination carrier, liquefied gas carrier and oil tanker</i></b>	ship	vessel
Section 2, definitions of <b><i>chemical tanker and liquefied gas carrier</i></b>	Marine Orders, Part 17 (Liquefied Gas Carriers and Chemical Tankers)	<i>Marine Order 17 (Liquefied gas carriers and chemical tankers) 2006</i>
Section 2, definition of <b><i>INF Code</i></b>	Marine Orders — Part 41 (Carriage of Dangerous Goods)	<i>Marine Order 41 (Carriage of dangerous goods) 2009</i>
Section 2, definition of <b><i>REEFREP</i></b>	Part	Order
Subsection 3.1	Part	Order
Section 4	overall length	length overall
Sections 4 and 5	Part	Order
Sections 4 and 5	ship	vessel
Section 5	The	5.1 The
Paragraph 5(a)	2 of Appendix	clause 2 of Schedule

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Paragraph 5(b)	3 of Appendix	clause 3 of Schedule
Paragraph 5(c)	4 of Appendix	clause 4 of Schedule
Paragraph 5(d)	5 of Appendix	clause 5 of Schedule
Paragraph 5(e)	6 of Appendix	clause 6 of Schedule
Paragraph 5(f)	7 of Appendix	clause 7 of Schedule
Paragraph 5(g)	8 of Appendix	clause 8 of Schedule
Section 5	9 of Appendix	clause 9 of Schedule
Section 5	This is a penal provision.	Penalty: 50 penalty units.
Appendix 1, heading	Appendix	Schedule
Appendix 1, clause 1	Appendix	Schedule
Appendix 1, clauses 2 and 3	ship	vessel
Appendix 1, clauses 2 and 3	ship's	vessel's
Appendix 1, paragraph 3.2(e), note	<i>Note</i> Ships	<i>Note 1</i> Vessels
Appendix 1, paragraph 3.2(e), note	provision 4 of Appendix	clause 4 of Schedule
Appendix 1, paragraph 3.2(h)	coastal	licensed
Appendix 1, paragraph 3.2(k)	7 of this Appendix	clause 7 of this Schedule
Appendix 1, subclause 3.3	3.2(e)	paragraph 3.2(e)
Appendix 1, clause 4	ship's	vessel's
Appendix 1, clause 4	ship	vessel
Appendix 1, subclause 4.1	3.2(e) and 3.3 of this Appendix	paragraph 3.2(e) and subclause 3.3 of this Schedule
Appendix 1, subclause 4.1	4.2	subclause 4.2
Appendix 1, subclause 4.2	4.2.1	subclause 4.2.1
Appendix 1, subclause 4.2.1.1, note	ships	vessels
Appendix 1, subclause 4.2.2.3	4.2.2.2	subclause 4.2.2.2
Appendix 1, subclause 4.2.3	4.2.1	subclause 4.2.1
Appendix 1, paragraph 4.2.3(b)	Appendix	Schedule
Appendix 1, subclause 5.2	options	options mentioned in subclause
Appendix 1, clause 6	ship	vessel
Appendix 1, clause 6	ship's	vessel's
Appendix 1, subclause 6.2,	crew	seafarers

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
note		
Appendix 1, subclause 6.2, note	<i>Note 1</i> Instructions	<i>Note 2</i> Instructions
Appendix 1, subclause 6.3	Ships	Vessels
Appendix 1, subclause 6.3	2	clauses 2
Appendix 1, subclause 6.3	Appendix	Schedule
Appendix 1, subclause 6.4	9.3	subclause 9.3
Appendix 1, clauses 7 and 8	ship	vessel
Appendix 1, clauses 7 and 8	ship's	vessel's
Appendix 1, subclause 7.2	7.1	subclause 7.1
Appendix 1, subclause 7.2	section 268	sections 185 and 186
Appendix 1, subclauses 9.1 and 9.3	provision 5 of this Part	section 5 of this Order
Appendix 1, clause 9	ship's	vessel's
Appendix 2, heading	Appendix	Schedule
Appendix 2	Part	Order

## Schedule 33 Marine Orders Part 57, issue 3

(section 3)

### [1] Before section 1

*insert*

#### 1A Name of Order

This Order is *Marine Order 57 (Helicopter operations) 2010*.

### [2] Subsection 1.2

*substitute*

#### 1.2 Power

- 1.2.1 Subsection 112(1) provides that the regulations may provide for the carriage of passengers.
- 1.2.2 Subsection 112(4) of the Navigation Act provides that the regulations may provide for the carriage on a vessel of cargo and livestock.
- 1.2.3 Subsection 112(5) of the Navigation Act provides that the regulations may provide for the loading in vessels and unloading from vessels of cargo and livestock.
- 1.2.4 Section 165 of the Navigation Act provides that the regulations may provide for the operations of licensed pilots and licensed pilotage providers including matters relating to pilotage safety management systems and the content and implementation of such systems.

- 1.2.5 Subsection 339(1) of the Navigation Act provides for regulations prescribing matters required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act.
- 1.2.6 Paragraph 340(1)(a) provides that the regulations may give effect to SOLAS.
- 1.2.7 Subsection 342(1) of the Navigation Act provides that AMSA may make an order for any matter for which regulations may provide.

**[3] Section 2, heading**

*substitute*

**2 Definitions**

In this Order:

**[4] Section 2, definition of *AMSA, operator and penal provision***

*omit*

**[5] Section 2, note**

*substitute*

*Note 1* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- Navigation Act.

*Note 2* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- inspector
- master
- owner
- pilot
- regulated Australian vessel
- seafarer.

**[6] Sections 3 and 4**

*substitute*

**4 Application**

This Order applies to the following vessels:

- (a) a regulated Australian vessel;
- (b) a foreign vessel:
- (i) in an Australian port; or
  - (ii) entering or leaving an Australian port; or
  - (iii) in the internal waters of Australia; or
  - (iv) in the territorial sea of Australia, other than in the course of innocent passage.

**[7] Subsection 5.1***substitute***5.1 Requirement for safe arrangements**

5.1.1 The master of a vessel may permit the transfer of persons or goods from helicopter to vessel, or from vessel to helicopter, only if the owner or master has provided shipboard arrangements, equipment, training and drills that:

- (a) apply to the preparations on a vessel and the vessel/helicopter interface during the transfer operation; and
- (b) are necessary and reasonable for emergency evacuation of persons from the vessel; and
- (c) are appropriate and reasonable for the normal operations of the vessel; and
- (d) are at least as effective as those mentioned in the ICS Guide for operations or activities directly related to the vessel.

*Note* The ICS Guide may also provide useful background for the owner and master when considering the safety management system for the vessel.

5.1.2 The master of a vessel must ensure that:

- (a) the arrangements, equipment, training and drills have been included in the safety management system on board the vessel; and
- (b) seafarers are given instructions on their responsibilities to give effect to the vessel's safety management system; and
- (c) equipment is maintained in working order and readily available for use; and
- (d) the training has been carried out.

Penalty: 50 penalty units.

5.1.3 An offence against subsection 5.1.2 is a strict liability offence.

5.1.4 A person is liable to a civil penalty if the person contravenes subsection 5.1.2.

Civil penalty: 50 penalty units.

**[8] Subsection 5.4***substitute***5.4 Responsibility of seafarers**

5.4 A seafarer must carry out the instructions given to the seafarer under paragraph 5.1.2(b).

Penalty: 50 penalty units.

5.4A An offence against subsection 5.4 is a strict liability offence.

5.4B A person is liable to a civil penalty if the person contravenes subsection 5.4.

Civil penalty: 50 penalty units.

**[9] Further amendments**

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 1.1	Part of Marine Orders	Marine Order
Subsection 1.1	ships	vessels
Subsection 1.1, note	ship/helicopter	vessel/helicopter

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 2, definition of <b>ICS Guide</b>	Shipping;	Shipping.
Section 5, heading	ships	vessels
Subsection 5.2	ship	vessel
Subsection 5.2.2	operator	owner
Subsection 5.2.2, note	Classification Society	recognised organisation
Subsection 5.2.2, note	ship's	vessel's
Paragraph 5.2.3(b)	a surveyor	an inspector
Subsection 5.2.3	5.2.2	subsection 5.2.2
Subsection 5.3	ship	vessel
Subsection 5.3	ship/helicopter	vessel/helicopter
Subsection 5.5	ship	vessel

## Schedule 34 Marine Orders Part 58, issue 2

(section 3)

### [1] Before subsection 1.1

*insert*

- 1.1A Section 98 of the Navigation Act provides that regulations may make provision in relation to safety certificates.
- 1.1B Section 314 of the Navigation Act provides that regulations may provide for particular matters relating to certificates.

### [2] Section 2, heading

*substitute*

## 2 Definitions

### [3] Section 2, definitions of **AMSA, General Manager and IMO**

*omit*

### [4] Section 2, definitions of **Manager, penal provision and SOLAS**

*omit*

**[5] Section 2, at the foot**

*insert*

*Note 1* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- General Manager, Ship Safety Division
- IMO
- Manager, Ship Operations and Qualifications
- Navigation Act
- SOLAS.

*Note 2* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- Government vessel
- regulated Australian vessel.

**[6] Sections 4 to 8**

*substitute*

**4 Application**

- 4.1 This Order applies to a vessel, to which Regulation 2 of Chapter IX of SOLAS applies, that is:
- (a) a regulated Australian vessel; or
  - (b) a foreign vessel that is:
    - (i) in an Australian port;
    - (ii) entering or leaving an Australian port;
    - (iii) in the internal waters of Australia; or
    - (iv) in the territorial sea of Australia other than in the course of innocent passage.
- 4.2 This Order also applies to a company owning, operating or managing the vessel.
- 4.3 However, this Order does not apply to a Government vessel.

**5 Exemptions**

- 5.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for an exemption of a vessel, or an operating company, from:
- (a) a requirement of this Order; or
  - (b) a provision of the ISM Code.
- 5.2 The decision maker for the application is the Manager, Ship Operations and Qualifications.
- 5.3 The Manager, Ship Operations and Qualifications may give an exemption only if he or she is satisfied that:
- (a) compliance with the requirement or provision would be unnecessary or unreasonable; and
  - (b) giving the exemption would not contravene SOLAS or the ISM Code.

*Note* *Marine Order 1 (Administration) 2011* deals with the following matters about exemptions and equivalents:

- making an application
- seeking further information about an application

- the time allowed for consideration of an application
- imposing conditions on approval of an application
- notification of a decision on an application
- review of decisions.

## 5A Equivalentents

- 5A.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for approval to use an equivalent.
- 5A.2 The decision maker for the application is the Manager, Ship Operations and Qualifications.
- 5A.3 The Manager, Ship Operations and Qualifications may approve use of an equivalent only if he or she is satisfied that:
- (a) use of the equivalent would be at least as effective as compliance with the requirement or provision to which the equivalent is an alternative; and
  - (b) approving use of the equivalent would not contravene SOLAS or the ISM Code.
- 5A.4 In this section:
- equivalent** means:
- (a) a fitting, material, appliance or apparatus that could be fitted or carried in a vessel as an alternative to a fitting, material, appliance or apparatus that a provision of this Order requires to be fitted or carried in the vessel; or
  - (b) an arrangement that could be made, or a procedure that could be followed, in or for a vessel as an alternative to a requirement of this Order or a provision of the ISM Code.
- use**, of an equivalent, includes:
- (a) fitting or carrying the equivalent in or on a vessel; and
  - (b) making an alternative arrangement or following an alternative procedure.

## 6 Review of decisions

A decision under subsection 9.2, 9.4.2, 9.5.2, 10.4.2, 10.5.2, 11.1.1, 11.2.3 or 12.1.1 is taken to be a reviewable decision for section 18 of *Marine Order 1 (Administration) 2011*.

*Note* For review of decisions by the Administrative Appeals Tribunal made under the Navigation Act — see section 313 of the Navigation Act.

## 7 Safety management requirements

- 7.1 For sections 103, 104, 106 and 107 of the Navigation Act, a vessel must have a safety certificate that is:
- (a) a Safety Management Certificate; or
  - (b) an Interim Safety Management Certificate.
- Note* It is an offence under sections 103, 104, 106 and 107 of the Navigation Act if a vessel is taken to sea without a certificate of a specified kind in force for the vessel.
- 7.2 A master must not take a vessel to sea if there is not on board a copy of a Document of Compliance or Interim Document of Compliance in force for the company operating the vessel.
- Penalty: 50 penalty units.
- 7.3 An offence against subsection 7.2 is a strict liability offence.



- 7.4 A person is liable to a civil penalty if the person contravenes subsection 7.2.  
Civil penalty: 50 penalty units.

**[7] Subsection 10.1 and 10.2**

*substitute*

**10.1 Application**

For subsection 99(1) of the Navigation Act, a Safety Management Certificate is a safety certificate.

**10.2 Issue**

For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of a Safety Management Certificate are that:

- (a) a Document of Compliance valid for the type of vessel has been issued for the company; and
- (b) the safety management system of the company is being applied on the vessel in accordance with the Guidelines.

*Note* The form of a Safety Management Certificate is set out as Form 2 in Schedule 3.

**[8] Subsection 11.2.1**

*substitute*

- 11.2.1 For subsection 99(1) of the Navigation Act, an Interim Safety Management Certificate is a safety certificate.

- 11.2.1A For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of an Interim Safety Management Certificate are that:

- (a) the vessel is operated by a company for which a Document of Compliance or Interim Document of Compliance has been issued; and
- (b) the vessel is:
  - (i) a new vessel; or
  - (ii) new to the company; or
  - (iii) new to the Australian General Shipping Register or the Australian International Shipping Register.

*Note* The form of an Interim Safety Management Certificate is set out as Form 4 in Schedule 3.

**[9] Subsection 12.1.2**

*substitute*

- 12.1.2 The General Manager, Ship Safety Division may, by notice in writing to the company, require the delivery to AMSA of the revoked Document of Compliance.

- 12.1.2A The General Manager, Ship Safety Division may, by notice in writing to the company, require the surrender of the Document of Compliance to enable the variation to be endorsed on it.

**[10] After subsection 12.1**

*insert*

- 12.1.5 An offence against subsection 12.1.4 is a strict liability offence.

12.1.6 A person is liable to a civil penalty if the person contravenes subsection 12.1.4.

Civil penalty: 50 penalty units.

*Note* A Safety Management Certificate may be revoked under subsection 12.2 if a Document of Compliance has been revoked or varied.

### [11] Subsections 12.2.1

*substitute*

12.2.1 For section 102 of the Navigation Act, the criteria for revocation of a Safety Management Certificate are that:

- (a) the Safety Management Certificate has not been endorsed in accordance with subsection 10.4.2;
- (b) there is evidence of major non-conformity in relation to the Safety Management Certificate;
- (c) the company's Document of Compliance:
  - (i) has not been endorsed under subsection 9.4.2;
  - (ii) has expired and not been renewed under subsection 9.5; or
  - (iii) has been revoked or varied under subsection 12.1.1.

*Note* Section 315 of the Navigation Act provides that AMSA may require a certificate that has been issued for a regulated Australian vessel and then revoked, to be delivered to AMSA or another specified person. The vessel may be detained until the requirement is complied with.

### [12] Subsections 12.2.2 and 12.2.3

*omit*

### [13] Other amendments

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 1A	<i>Orders Part 58, issue 2</i>	<i>Order 58 (International Safety Management Code) 2002</i>
Subsection 1.1	Section 191 of the <i>Navigation Act 1912</i>	Paragraph 340(1)(a) of the Navigation Act
Subsection 1.1	425(1) of the <i>Navigation Act 1912</i>	339(1) of the Navigation Act
Subsection 1.2	Section 425(1AA) of the <i>Navigation Act 1912</i>	Subsection 342(1) of the Navigation Act
Subsection 1.2	Part of Marine Orders	Order
Section 2	Part	Order
Section 2, definition of <i>company</i>	ship	vessel
Section 2, definition of <i>company</i>	shipowner	owner
Section 3	Part	Order
Subsection 3.1	the Safety Convention	SOLAS
Subsection 9.3	9.4	subsection 9.4

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 9.3	valid	in force
Sections 9 and 10	Manager	Manager, Ship Operations and Qualifications
Sections 9 and 10	ship	vessel
Subsection 9.5.2, note	13.10	paragraph 13.10
Subsection 10.3	10.4	subsection 10.4
Subsection 10.3	valid	in force
Subsection 10.5.2, note	13.10	subsection 13.10
Section 11	Manager	Manager, Ship Operations and Qualifications
Section 11	ship	vessel
Section 12, heading	Withdrawal	Revocation
Section 12	General Manager	General Manager, Ship Safety Division
Subsection 12.1, heading	Withdrawal	Revocation
Paragraph 12.1.1(a)	9.4.2	subsection 9.4.2
Paragraph 12.1.1(c)	cancel	revoke
Paragraph 12.1.1(c)	Compliance and its associated Safety Management Certificate	Compliance
Subclause 12.1.4	12.1.2	subsection 12.1.2
Subclause 12.1.4	This is a penal provision.	Penalty: 50 penalty units.
Subclause 12.2, heading	Withdrawal	Revocation

## Schedule 35 Marine Order 59, issue 2

(section 3)

### [1] Section 4

*omit*

For section 425 of the Act, this

*insert*

This

**[2] Section 5**

*substitute*

**4A Power**

- 4A.1 Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act.
- 4A.2 Subsection 112(5) of the Navigation Act provides for regulations to be made about loading in and unloading from vessels of cargo.
- 4A.3 Subsection 112(6) of the Navigation Act provides for regulations to be made about the carriage of dangerous goods.
- 4A.4 Subsection 342(1) of the Navigation Act provides that AMSA may make orders for any matter for which provision must or may be made by the regulations.

**5 Application**

This Order applies to each of the following vessels:

- (a) a regulated Australian vessel that is an offshore support vessel;
- (b) a foreign vessel operating in Australian waters as an offshore support vessel.

*Note* The *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, s 640 provides that the Navigation Act (and therefore this Order) does not apply on, and in relation to, facilities to which that Act applies (except to the extent that it relates to the transfer of persons or goods between a vessel and a facility).

**[3] Section 6, definition of Act**

*omit*

**[4] Section 6, definition of *off-shore industry vessel***

*omit*

**[5] Section 6, paragraphs (b) and (c) of definition of *operations***

*substitute*

- (b) the coastal sea of Australia.

**[6] Section 6, notes 1 and 2**

*substitute*

*Note 1* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- offshore industry mobile unit
- offshore support vessel
- Manager, Ship Operations and Qualifications
- natural resources.

*Note 2* Other terms used in this Order are defined in the Navigation Act, including:

- coastal sea of Australia
- foreign vessel
- regulated Australian vessel.

**[7] Section 7, note**

*omit*

**[8] After section 7***insert*

- 7.2 An offence against subsection 7.1 is a strict liability offence.
- 7.3 A person is liable to a civil penalty if the person contravenes subsection 7.1.  
Civil penalty: 50 penalty units.

**[9] After section 8***insert*

- 8.2 An offence against subsection 8.1 is a strict liability offence.
- 8.3 A person is liable to a civil penalty if the person contravenes subsection 8.1.  
Civil penalty: 50 penalty units.

**[10] Further amendments**

<i>provision</i>	<i>omit</i>	<i>insert</i>
Section 1	59, issue 2	59 ( <i>Offshore support vessel operations</i> ) 2011
Section 4	off-shore industry	offshore support
Section 6, definition of <b>operations</b>	off-shore industry	offshore support
Section 7	The	7.1 The
Section 7	off-shore industry	offshore support
Section 7	This is penal provision.	Penalty: 50 penalty units.
Section 8	The	8.1 The
Section 8	off-shore industry	offshore support
Section 8	This is penal provision.	Penalty: 50 penalty units.
Subsection 9.1	off-shore industry	offshore support
Subsection 9.1	operator	owner
Subsection 9.1	1, issue 2 (Administration)	1 (Administration) 2011
Subsection 9.3	off-shore industry	offshore support
Subsection 9.3, note	1, issue 2	1 (Administration) 2011
Section 10, heading	Crew members'	Seafarers'
Section 10	off-shore industry	offshore support
Section 10	person who is a crew member of	seafarer, other than the master, employed or engaged or working on

## Schedule 36 Marine Order 60, issue 2

(section 3)

### [1] Section 1

*substitute*

#### 1 Name of Order

This Order is *Marine Order 60 (Floating offshore facilities) 2001*.

#### 1A Purpose

This Order provides for the safe operation and navigation of Floating Production, Storage and Offtake Facilities (FPSOs) and Floating Storage Units (FSUs) by setting out requirements, in addition to those set out in other Orders, with which FPSOs and FSUs must comply.

#### 1B Power

1B.1 Subsection 98(1) of the Navigation Act provides for regulations to be made for safety certificates for a regulated Australian vessel.

1B.2 Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed or that are necessary or convenient to be prescribed for carrying out or giving effect to that Act.

1B.3 Subsection 339(2) of the Navigation Act provides that, without limiting subsection (1), these regulations may be about, among other matters:

- (a) the design and construction of vessels; and
- (b) the machinery and equipment to be carried on board vessels; and
- (c) the operating, maintaining, checking and testing of that machinery and equipment; and
- (d) saving life at sea; and
- (e) the maintenance, testing, survey and certification of vessels.

*Note* FPSOs and FSUs are vessels — see definition of *vessel* in subsection 14(1) of the Navigation Act.

1B.4 Subsection 342(1) of the Navigation Act provides that AMSA may make orders for any matter for which provision must or may be made by the regulations.

### [2] Section 2, heading

*substitute*

#### 2 Definitions

In this Order:

### [3] Section 2, definitions of AMSA and Chief Marine Surveyor

*substitute*

*cargo ship safety construction certificate* — see *Marine Order 31 (Ship surveys and certification) 2006*.

**[4] Section 2, definitions of *General Manager, IMO, Manager, penal provision, petroleum, Safety Case* and *SOLAS***

*substitute*

*petroleum* has the same meaning as in section 7 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

*safety case*, for a vessel, means the safety case for that vessel that was accepted or taken to be accepted by the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) for the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009*.

*Note 1* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011* including:

- cargo vessel
- IMO
- Manager, Ship Inspection and Registration
- natural resources
- Navigation Act
- offshore industry mobile unit.

*Note 2* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- coastal sea of Australia
- foreign vessel
- inspector
- marine incident
- recognised organisation
- regulated Australian vessel
- safety certificate
- seafarer
- vessel.

**[5] Section 3**

*omit*

3.1

**[6] Subsection 3.2**

*omit*

**[7] Subsection 4.1**

*substitute*

4.1 This Order applies to each of the following vessels:

- (a) an FPSO or FSU that is a regulated Australian vessel;
- (b) an FPSO or FSU that is a foreign vessel operating as an offshore industry mobile unit:
  - (i) in an Australian port; or
  - (ii) entering or leaving an Australian port; or
  - (iii) in the internal waters of Australia; or

- (iv) in the territorial sea of Australia, other than in the course of innocent passage.

## **[8] Sections 5 and 6**

*substitute*

### **5 Exemptions**

- 5.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for an exemption of a vessel from a requirement of this Order.
- 5.2 The decision maker for the application is the Manager, Ship Inspection and Registration.
- 5.3 The Manager, Ship Inspection and Registration may give an exemption for an FPSO or an FSU only if he or she is satisfied that:
- (a) compliance with the requirement would be unreasonable or impracticable; and
  - (b) giving the exemption would not contravene SOLAS.

*Note* *Marine Order 1 (Administration) 2011* deals with the following matters about exemptions and modifications:

- making an application
- seeking further information about an application
- the time allowed for consideration of an application
- imposing conditions on approval of an application
- notification of a decision on an application
- review of decisions.

### **6 Modifications**

- 6.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for approval for a modification of a requirement of the Order to apply to a vessel.
- 6.2 The decision maker for the application is the Manager, Ship Inspection and Registration.
- 6.3 The Manager, Ship Inspection and Registration may approve a modification of a requirement of this Order only if he or she is satisfied that:
- (c) the fitting, material, appliance, apparatus to be fitted or carried on the vessel, or the other provision to be made, is at least as effective as the requirement to which the modification is an alternative; and
  - (d) approval of the modification would not contravene SOLAS.

### **6A Review of decisions**

A decision under this Order, other than a decision under section 5 or 6, is taken to be a reviewable decision for section 18 of *Marine Order 1 (Administration) 2011*.

*Note 1* A decision under section 5 or 6 is also a reviewable decision for *Marine Order 1 (Administration) 2011* because it is mentioned in section 16 of that Order.

*Note 2* For review by the Administrative Appeals Tribunal of decisions made under the Navigation Act about safety certificates for an FPSO or FSU — see section 313 of the Navigation Act.



**[9] Subsection 7.1**

*substitute*

- 7.1 The owner of an FPSO or FSU must ensure that the vessel has each certificate that a Marine Order requires a cargo vessel to have.

Penalty: 50 penalty units.

**[10] After subsection 7.1**

*insert*

- 7.1A An offence against subsection 7.1 is a strict liability offence.  
7.1B A person is liable to a civil penalty if the person contravenes subsection 7.1.  
Civil penalty: 50 penalty units.

**[11] After subsection 7.2**

*insert*

- 7.2A An offence against subsection 7.2 is a strict liability offence.  
7.2B A person is liable to a civil penalty if the person contravenes subsection 7.2.  
Civil penalty: 50 penalty units.

**[12] After subsection 7.4.2**

*insert*

- 7.4.2A An offence against subsection 7.4.2A is a strict liability offence.  
7.4.2B A person is liable to a civil penalty if the person contravenes subsection 7.4.2.  
Civil penalty: 50 penalty units.

**[13] Subsection 7.5**

*substitute*

- 7.5 If the safety of an FPSO, FSU or a person on board an FPSO or FSU is endangered by the occurrence of a marine incident or a defect, other than in the production operations of the FPSO or FSU, the master must report the marine incident or defect:

- (a) within 4 hours after the incident or defect happens — using the approved form for initial reporting of an incident; and  
(b) within 72 hours after the incident or defect happens — using the approved form for detailed reporting of the incident.

Penalty: 50 penalty units.

*Note 1* **marine incident** is defined in subsection 14(1) of the Navigation Act.

*Note 2* It is an offence not to report a marine incident to AMSA in the approved form within the prescribed period — see section 186 of the Navigation Act.

- 7.5A An offence against subsection 7.5 is a strict liability offence.  
7.5B A person is liable to a civil penalty if the person contravenes subsection 7.5.  
Civil penalty: 50 penalty units.

**[14] After subsection 7.6**

*insert*

- 7.7 An offence against subsection 7.6 is a strict liability offence.

- 7.8 A person is liable to a civil penalty if the person contravenes subsection 7.5.  
Civil penalty: 50 penalty units.

**[15] Section 8**

*substitute*

**8 Certificates of compliance**

- 8.1 For subsection 99(1) of the Navigation Act, a certificate of compliance is a safety certificate.
- 8.2 For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of a certificate of compliance for an FPSO or FSU are as follows:
- (a) an application has been made under section 99 of the Navigation Act to the issuing body for a certificate of compliance for the FPSO or FSU;
  - (b) the FPSO or FSU has been surveyed in accordance with *Marine Order 31 (Ship surveys and certification) 2006*;
  - (c) the FPSO or FSU complies with Schedule 1.
- Note* *Marine Order 31 (Ship surveys and certification) 2006* sets out information about applying for safety certificates.
- 8.3 A certificate of compliance is valid for the same period as the cargo ship safety construction certificate for the vessel and must be endorsed each year in the same way.
- Note* For information about cargo ship safety construction certificates see *Marine Order 31 (Ship surveys and certification) 2006*.
- 8.4 For subsection 101(1) of the Navigation Act, the criteria for variation of a certificate of compliance for an FPSO or FSU are as follows:
- (a) a written application has been made to the issuing body setting out the kind of variation applied for;
  - (b) the vessel has a cargo ship safety construction certificate issued by an issuing body;
  - (c) the vessel complies with the survey requirements mentioned in *Marine Order 31 (Ship surveys and certification) 2006* that apply to the vessel;
  - (d) any surveys of the vessel required by the Manager, Ship Inspection and Registration are completed within the period mentioned in *Marine Order 31 (Ship surveys and certification) 2006* for the survey;
  - (e) the vessel complies with any condition imposed by the Manager, Ship Inspection and Registration.
- 8.5 For section 102 of the Navigation Act, the criteria for revocation by an issuing body of a certificate of compliance for an FPSO or FSU are as follows:
- (a) the vessel does not comply with Schedule 1;
  - (b) each required survey is not completed within the period mentioned in *Marine Order 31 (Ship surveys and certification) 2006*;
  - (c) the certificate is not endorsed by an issuing body in accordance with this Order;
  - (d) the vessel changes its country of registration;
  - (e) a criterion for revocation of a safety certificate other than a certificate of compliance issued for the FPSO or FSU is met;
  - (f) a safety certificate other than a certificate of compliance issued for the FPSO or FSU is revoked.

**[16] After subsection 10.1.5**

*insert*

- 10.1.6 An offence against subsection 10.1.5 is a strict liability offence.
- 10.1.7 A person is liable to a civil penalty if the person contravenes subsection 10.1.6.  
Civil penalty: 50 penalty units.

**[17] After subsection 10.2**

*insert*

- 10.2A An offence against subsection 10.2 is a strict liability offence.
- 10.2B A person is liable to a civil penalty if the person contravenes subsection 10.2.  
Civil penalty: 50 penalty units.

**[18] After subsection 10.3**

*insert*

- 10.3A An offence against subsection 10.3 is a strict liability offence.
- 10.3B A person is liable to a civil penalty if the person contravenes subsection 10.3.  
Civil penalty: 50 penalty units.

**[19] After subsection 10.4.1**

*insert*

- 10.4.1A An offence against subsection 10.4.1 is a strict liability offence.
- 10.4.1B A person is liable to a civil penalty if the person contravenes subsection 10.4.1.  
Civil penalty: 50 penalty units.

**[20] Further amendments**

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 2, definitions of <b>FPSO</b> and <b>FSU</b>	ship	vessel
Section 2, definitions of <b>FPSO</b> and <b>FSU</b>	Marine Orders, Part 47,	<i>Marine Order 47 (Mobile offshore drilling units) 2012</i>
Section 3	Chief Marine Surveyor	Manager, Ship Inspection and Registration
Section 3	survey authority	recognised organisation
Section 3	Part	Order
Subsection 4.2	this Part	this Order
Subsection 4.2	Part of Marine Orders	Marine Order
Section 7, footnote 3	classification society	recognised organisation
Section 7, footnote 3	ship	vessel
Section 7,	Chief Marine Surveyor	Manager, Ship Inspection and

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
footnote 3		Registration
Subsections 7.1 and 7.2	<u>This is a penal provision.</u>	Penalty: 50 penalty units.
Subsection 7.2	issued under section 8 or the Safety Case	safety certificate or the safety case
Subsection 7.3	Chief Marine Surveyor	Manager, Ship Inspection and Registration
Subsection 7.3	ship's	vessel's
Subsection 7.3	classification society	recognised organisation
Subsection 7.4.1	Part	Order
Subsection 7.4.1	a surveyor	an inspector
Subsection 7.4.1	the surveyor	the inspector
Subsection 7.4.2	7.4.1.	subsection 7.4.1.
Subsections 7.4.2 and 7.6	<u>This is a penal provision.</u>	Penalty: 50 penalty units.
Subsection 7.6	5 of Marine Orders, Part 31	<i>Marine Order 31 (Ship surveys and certification) 2006</i>
Section 9	Manager	Manager, Ship Operations and Qualifications
Section 9	Regulation V/13	Regulation 13 of Chapter V
Section 9, footnote 4	these principles,	the principles contained in IMO Resolution A.890(21),
Subsection 10.1.5	10.1.1	subsections 10.1.1
Subsections 10.1.5, 10.2, 10.3 and 10.4.1	<u>This is a penal provision.</u>	Penalty: 50 penalty units.
Paragraph 10.3(a), footnote 5	10.3.	subsection 10.3.
Subsection 10.4, heading	Crew members'	Seafarers'
Subsection 10.4.1	Every crew member	Each seafarer
Subsection 10.4.1	10.3.	subsection 10.3.
Appendix, heading	Appendix Requirements	Schedule 1 Requirements (section 8)
Appendix, subclauses 1.2, 2.1.3, 2.3.2, 2.5.1 and 2.7.2	Chief Marine Surveyor	Manager, Ship Inspection and Registration
Appendix, clause 3	Marine Orders, Part 27	<i>Marine Order 27 (Radio</i>

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Appendix, clause 4	ship's	equipment) 2009 vessel's

## [21] Further amendments — footnotes

<i>footnote</i>	<i>instruction</i>
3	Relocate as a note at the foot of section 7
4	Relocate as a note at the foot of section 9
5	Relocate as a note at the foot of subsection 10.3
6	Relocate as a note at the foot of Appendix, subclause 1.3

*Note* Footnotes not mentioned in this item are omitted as a consequence of the text to which they relate being omitted.

## Schedule 37 Marine Order 62, issue 1

(section 3)

### [1] Sections 1 to 3

*substitute*

#### 1 Name of Order

This Order is *Marine Order 62 (Government vessels) 2003*.

#### 1A Purpose

This Order sets out requirements about the following matters to be complied with by Government vessels to which the Navigation Act applies:

- (a) survey requirements;
- (b) certification requirements;
- (c) logbook requirements;
- (d) carriage of dangerous goods;
- (e) stowage and carriage of cargo.

*Note 1* For the kinds of Government vessels to which the Navigation Act does not apply (eg navy vessels) — see section 10 of the Act.

*Note 2* AMSA or the Minister may exempt Government vessels from some or all of the Navigation Act and specify conditions for the exemption — see section 334 of the Navigation Act. An exemption is not a legislative instrument — see subsection 334(4) of the Act.

### 2 Power

- 2.1 Subsection 98(1) of the Navigation Act provides for regulations to be made for safety certificates.
- 2.2 Subsection 130 provides for regulations to be made for pollution certificates.
- 2.3 Subsection 112(4) of the Navigation Act provides for regulations about the carriage of cargo on a vessel.
- 2.4 Subsection 112(5) provides that the regulations may provide for the loading, stowing or carriage of cargo in vessels.

- 2.5 Subsection 112(6) of the Navigation Act provides for regulations about the carriage of dangerous goods.
- 2.6 Subsection 309(2) of the Navigation Act provides for regulations about the keeping of logbooks.
- 2.7 Subsection 339(1) of the Navigation Act provides for regulations about official logbooks to be kept by the masters of regulated Australian vessels.
- 2.8 Subsection 342 of the Navigation Act provides that AMSA may make orders about any matter about which regulations may be made.

### **3 Definitions**

In this Order:

*length*, for a vessel, has the same meaning as in the *International Convention on Load Lines, 1966*, as amended by the *Protocol of 1988 relating to the International Convention on Load Lines, 1966*.

*Note 1* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- USL Code
- Manager, Ship Inspection and Registration.

*Note 2* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- Government vessel
- vessel.

#### **[2] Subsection 4.1**

*substitute*

- 4.1 This Order applies to a regulated Australian vessel:
  - (a) that belongs to the Commonwealth or an agency of Commonwealth; or
  - (b) the beneficial interest in which is vested in the Commonwealth or an agency of the Commonwealth; or
  - (c) that is for the time being demised or sub-demised to, or in the exclusive possession of, the Commonwealth or an agency of the Commonwealth.

*Note 1* For the kinds of Government vessels to which the Navigation Act does not apply (eg navy vessels) — see section 10 of the Act.

*Note 2* AMSA has exempted under section 334 of the Navigation Act certain Government vessels to which the Act applies from some provisions of the Act and other Marine Orders. A copy of the AMSA *Government vessels Exemption 2012 (No.1)* is available on the AMSA website at <http://www.amsa.gov.au> together with a copy of this Order. The exemption is subject to the condition that each exempt vessel complies with this Order.

#### **[3] Section 5, footnote 3**

*substitute as note at foot of section 5*

*Note* For requirements for the log-book for a Government vessel of 24 metres or more in length — see *Marine Order 11 (Living and working conditions on vessels) 2012*.

#### **[4] Subsection 6.1, footnote 4**

*substitute as note at foot of subsection 6.1*

*Note* For survey requirements for a Government vessel of 24 metres or more in length — see *Marine Order 31 (Ship surveys and certification) 2006*.

**[5] Subsection 6.3**

*substitute*

6.3 Subject to subsection 6.4, the master of a Government vessel of less than 24 metres in length may take the vessel to sea only if there is in force for the vessel each safety certificate that is required for the vessel under a Marine Order.

Penalty: 50 penalty units.

**[6] After subsection 6.4**

*insert*

6.5 An offence against subsection 6.3 is a strict liability offence.

6.6 A person is liable to a civil penalty if the person contravenes subsection 6.3.

Civil penalty: 50 penalty units.

**[7] Section 7, footnote 6**

*substitute as note at foot of section 7*

*Note* Marine Order 41 (Carriage of dangerous goods) 2009 provides for the Manager, Ship Inspection and Registration to modify a requirement, or to exempt a vessel from a requirement in appropriate circumstances.

**[8] Appendix 1**

*omit*

**[9] Appendix 2**

*omit*

Occurrences

(such as a grounding, a collision, fire, flooding, damage to hull/machinery or any other dangerous occurrence)

Events specified in s.268 of the *Navigation Act 1912*

*insert*

Marine incidents

*(See the definition of **marine incident** in subsection 14(1) of the Navigation Act 2012 for the kinds of incidents to be reported. These include the death or serious injury of a person, the loss of a vessel, the collision, grounding, sinking, or capsizing of a vessel, a fire on board a vessel and any event that results in or could have resulted in, the death, injury or loss of a person on board).*

**[10] Further amendments**

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
------------------	---------------------------------	---------------

Subsection 4.2	this Part	this Order
Subsection 4.2	Part of Marine Orders	Marine Order
Section 5	subsection 171(1)	section 309
Section 5	prescribed	approved

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 5	Appendix 2	Schedule 1
Sections 5 and 6	Commonwealth ship	Government vessel
Subsection 6.1	6.2	subsection 6.2
Subsection 6.2	Provision	Subsection
Subsection 6.2	operator	owner
Subsection 6.2	Chief Marine Surveyor	Manager, Ship Inspection and Registration
Subsection 6.4	Provision	Subsection
Subsection 6.4	6.1	subsection 6.1
Subsection 6.4	6.2	subsection 6.2
Sections 7 and 8	Commonwealth ship	Government vessel
Section 7	Marine Orders, Part 41	<i>Marine Order 41 (Carriage of dangerous goods) 2009</i>
Paragraph 8(a)	Marine Orders, Part 42	<i>Marine Order 42 (Cargo stowage and securing) 2003</i>
Paragraph 8(b)	ship	vessel
Appendix 2	Appendix 2	Schedule 1
Appendix 2	1912	2012

## Schedule 38 Marine Order 91, issue 5

(section 3)

### [1] Subsection 1.2.1, second sentence

*substitute*

Paragraph 340(1)(c) of the Navigation Act provides for regulations to give effect to MARPOL.

### [2] After subsection 1.2.1

*insert*

1.2.1A Subsection 130(1) of the Navigation Act provides that the regulations may make provision about pollution certificates.



- 1.2.1B Subsection 314(3) of the Navigation Act provides that the regulations may prescribe various matters about certificates, including the time when certificates, variations of certificates and revocation of certificates come into force.
- 1.2.1C Subsection 341(1) of the Navigation Act provides that the regulations may provide for the imposition of penalties and civil penalties for a contravention of the regulations or a notice, order, direction or instruction given, issued or made under, or in force because of, the regulations.

**[3] Subsection 1.2.3**

*substitute*

- 1.2.3 Subsection 342(1) of the Navigation Act provides that AMSA may make orders for any matter for which provision must or may be made by regulation.
- 1.2.4 Subsection 34(1) of the Pollution Prevention Act provides that AMSA may make orders for any matter for which provision may be made by regulation.

**[4] Section 2, definition of *Area Manager***

*omit*

**[5] Section 2, definition of *IOPP certificate*, including the note**

*substitute*

***IOPP certificate*** (or ***International Oil Pollution Prevention Certificate***) means:

- (a) a pollution certificate relating to vessel construction or equipment issued under section 132 of the Navigation Act; or
- (b) a certificate relating to Annex I issued under section 319 of the Navigation Act.

**[6] Section 2, definition of *STCW Code***

*omit*

**[7] Section 2, note 1**

*omit*

**[8] Section 2, note 2**

*omit*

- penal provision

**[9] Section 2, after note 3**

*insert*

*Note 4* Some expressions used in this Order are defined in the Pollution Prevention Act, including:

- Australian ship
- foreign ship.

*Note 5* Most provisions of this Order are expressed using terms used in the Navigation Act (eg *vessel*). However, some provisions of this Order that are made solely under the Pollution Prevention Act use terms used in that Act (eg *ship* and *Australian ship*). An example of a provision using terms used in the Pollution Prevention Act is subsection 4.2.

**[10] Subsection 4.1**

*omit everything after*  
*applies*

*insert*

to:

- (a) a non-foreign vessel:
  - (i) to which Annex I is expressed to apply; or
  - (ii) owned or operated by the Commonwealth and used, for the time being, on government non-commercial service; and
- (b) a foreign vessel to which Annex I is expressed to apply.

*Note 1* The legislation mentioned in subsection 4.1 provides, in effect, that this Order does not apply to certain vessels to which MARPOL applies because of a law of a State or the Northern Territory or the Maritime Safety (Domestic Commercial Vessel) National Law.

*Note 2* A provision of this Order made under the Navigation Act affects foreign vessels only to the extent that it is expressed to apply to foreign vessels.

#### [11] After subsection 4.1

*insert*

4.1A For subsection 4.1, each of the following is a *non-foreign vessel*:

- (a) a regulated Australian vessel;
- (b) a domestic commercial vessel;
- (c) a recreational vessel that has Australian nationality.

#### [12] Section 6

*substitute*

### 6 Review of decisions

6.1 A decision under this Order, other than a decision under section 5 or 5A, is taken to be a reviewable decision for section 18 of *Marine Order 1 (Administration) 2011*.

*Note 1* A decision under section 5 or 5A is a reviewable decision for *Marine Order 1 (Administration) 2011* because it is mentioned in section 16 of that Order.

*Note* Section 313 of the Navigation Act provides for review by the Administrative Appeals Tribunal of decisions under sections 132, 133 and 134 of the Act relating to pollution certificates.

#### [13] Subsection 8.8.3, note

*substitute*

8.8.4 An offence against subsection 8.8.3 is a strict liability offence.

8.8.5 A person is liable to a civil penalty if the person contravenes subsection 8.8.3.  
Civil penalty: 50 penalty units.

8.8.6 If the vessel is at sea or at a port outside Australia, the report mentioned in subsection 8.8.3 must be made to the Manager, Ship Inspection and Registration, through the Rescue Coordination Centre (RCC) Australia.

*Note* Contact details for the RCC are provided in Form MO-91/2, set out in Schedule 1.

8.8.7 If the vessel is at a port outside Australia, the master must also report the accident or defect to the appropriate authority of the country where the port is situated.

**[14] Subsection 9.1**

*substitute*

**9.1 Preliminary matters about IOPP certificates**

- 9.1.1 For subsection 130(3) of the Navigation Act (which enables the regulations to provide that specified vessels are required to have specified pollution certificates), a non-foreign vessel to which this Order applies must have a pollution certificate that is an IOPP certificate.
- 9.1.2 For subsection 131(1) of the Navigation Act (which enables a person to apply to an issuing body for a pollution certificate of a kind specified in the regulations), an IOPP certificate is specified for a non-foreign vessel to which this Order applies.
- 9.1.3 For paragraph 340(1)(c) of the Navigation Act (which enables the regulations to give effect to MARPOL), a foreign vessel to which this Order applies must have a certificate issued under section 319 of the Navigation Act that is an IOPP certificate.
- 9.1.4 For section 132 of the Navigation Act (which enables criteria to be prescribed for the issue of a pollution certificate) and paragraph 314(3)(a) of the Navigation Act (which enables criteria to be prescribed for the issue of any kind of certificate), the criteria for the issue of an IOPP certificate for a vessel are that the vessel:
- (a) complies with the provisions of Annex I mentioned in section 7; and
  - (b) has been surveyed in accordance with section 8; and
  - (c) complies with the requirements that apply to it under section 8.
- 9.1.5 For section 133 of the Navigation Act (which enables criteria to be prescribed for the variation of a pollution certificate) and paragraph 314(3)(a) of the Navigation Act (which enables criteria to be prescribed for the variation of any kind of certificate), the criteria for variation of an IOPP certificate for a vessel are that:
- (a) the vessel has been surveyed in accordance with section 8; and
  - (b) the vessel complies with the requirements that apply to it under section 8; and
  - (c) the variation is in accordance with subsections 9.4 and 9.5.
- 9.1.6 For subsection 132(2) of the Navigation Act (which provides that a pollution certificate is subject to the conditions (if any) prescribed by the regulations), the conditions mentioned in subsection 8.8 are prescribed.
- 9.1.7 The form of an IOPP certificate is the International Oil Pollution Prevention Certificate set out in Appendix II of Annex I.

**[15] Subsection 9.2**

*omit*

ceasing to have effect at an earlier date in accordance with section 267D or section 267F of the Navigation Act.

*insert*

earlier revoked.

**[16] Subsection 9.2, at the foot**

*insert*

*Note* See section 9.4 for circumstances in which an IOPP certificate may be varied to extend its period of validity.

**[17] Subsection 9.4, heading**

*substitute*

9.4 Variation of certificate to extend validity

**[18] Subsection 9.6, including the note**

*substitute*

9.6 Criteria for revocation of certificate

For section 134 of the Navigation Act (which enables criteria to be prescribed for the revocation of a pollution certificate), the criteria for revocation of an IOPP certificate for a vessel are that:

- (a) the surveys required by section 8 are not completed within the periods required by section 8; or
- (a) a survey required by section 8 at a particular time is not completed when required by section 8; or
- (b) the certificate is not endorsed in accordance with subsection 8.7; or
- (c) the vessel becomes, or stops being, a registered Australian vessel.

*Note* A new certificate for a vessel that becomes, or stops being, a regulated Australian vessel will not be issued until an issuing body is satisfied that the vessel complies with the requirements of Annex I.

**[19] Subsections 10.1 to 10.3**

*substitute*

10.1 Form of certificate issued under section 319 of the Navigation Act

A certificate issued under section 319 of the Navigation Act that relates to Annex I must be in the form of the International Oil Pollution Prevention Certificate set out in Appendix II of Annex I.

*Note* The form of the certificate is the same for both non-foreign and foreign vessels.

10.2 Reporting of alterations to vessels

For paragraph 137(1)(c) of the Navigation Act, the period within which AMSA and a recognised organisation must be informed of an alteration to a vessel is 7 days after the alteration is made.

*Note 1* An approved form for subsection 10.2 is available from AMSA's website: <http://www.amsa.gov.au>. For convenience, the approved form is reproduced in Schedule 1 as Form MO — 91/1.

*Note 2* For other reporting requirements — see *Transport Safety Investigation Act 2003*, sections 18 and 19.

**10.3 Marine incidents**

For paragraph (l) of the definition of *marine incident* in subsection 14(1) of the Navigation Act, an incident that causes damage to a vessel to an extent that may affect compliance with the requirements of an IOPP certificate in force for the vessel is prescribed.

*Note 1* The owner of a vessel must report marine incidents and dangers to navigation to AMSA— see s185 of the Navigation Act. The master of a vessel must report marine incidents and dangers to navigation to AMSA — see s186 of the Navigation Act. Section 13A of *Marine Order 31 (Ship surveys and certification) 2006* prescribes matters for these reports.

*Note 2* For serving documents if there is no master of a vessel — see section 328 of the Navigation Act.

**[20] Subsection 11.7**

*substitute*

**11.7 Condition Assessment Scheme**

For this Order, a reference in the Condition Assessment Scheme to *the Administration* is to be read as a reference to the Manager, Ship Inspection and Registration.

**[21] Schedule 1 Form MO—91/1**

*substitute*

**AUSTRALIA**

*Form MO-91/1*

*Marine Order 91 (Marine pollution prevention — oil) 2006*

**NOTICE OF ALTERATION TO A VESSEL**

To: Manager, Ship Inspection and Registration

Area Manager, Ship Safety Division, .....

Recognised organisation that issued the certificate

**PARTICULARS TO BE NOTIFIED**

1. Name of vessel.
2. Official number (if any).
3. Home port/port of registry.
4. Call sign.
5. Name of owner(s) or agent.

6. Address of principal place of business of owner or agent in Australia.
7. Date of issue and reference number of International Oil Pollution Prevention Certificate.
8. Description of nature and extent of alteration-to the vessel (including date(s) on which-alterations, were commenced and completed).
9. Name and address of person or corporation effecting alteration
10. Reason(s) for, or cause(s) of, alteration.
11. Particulars of changes in the construction of the vessel.
12. Additional information (if any) affecting the compliance of the vessel with the provisions of Annex I (MARPOL).

.....  
(signature of master or owner)

.....  
(date)

## [22] Further amendments

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 1A	91, issue 5	91 (Marine pollution prevention — oil) 2006
Subsection 1.1.2	Division 12 of Part IV	Chapter 4
Subsection 1.2.1	425(1)	339(1)
Section 2, note 2	(Administration)	(Administration) 2011
Section 2, note 2	<ul style="list-style-type: none"> <li>• AMSA</li> </ul>	<ul style="list-style-type: none"> <li>• Area Manager</li> </ul>
Section 2, note 2	Maritime Operations	Ship Safety
Section 2, note 2	<ul style="list-style-type: none"> <li>• SOLAS.</li> </ul>	<ul style="list-style-type: none"> <li>• SOLAS</li> <li>• STCW Code.</li> </ul>
Section 2, note 3	<ul style="list-style-type: none"> <li>• STCW Convention</li> <li>• survey authority</li> <li>• surveyor.</li> </ul>	<ul style="list-style-type: none"> <li>• AMSA</li> <li>• inspector</li> <li>• recognised organisation (for organisations that have been prescribed for the definition — see <i>Marine Order 1 (Administration) 2011</i>)</li> <li>• STCW Convention.</li> </ul>

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 3.2	survey authority	recognised organisation
Subsection 3.4	ship	vessel
Subsection 4.1	subsection 267(2)	section 12
Section 5	<i>(Administration)</i>	<i>(Administration) 2011</i>
Subsection 5.1	ship	vessel
Section 5A	<i>(Administration)</i>	<i>(Administration) 2011</i>
Subsection 5A.4	ship	vessel
Section 7	ship	vessel
Section 8	ship	vessel
Subsection 8.8.3	This is a penal provision.	Penalty: 50 penalty units.
Subsection 9.4.2	ship	vessel
Subsection 9.4.2	survey authority	recognised organisation
Subsection 9.4.3	an Australian ship	a non-foreign vessel
Subsection 9.4.3	the ship	the vessel
Subsection 9.4.3	a ship	a vessel
Subsection 9.4.4	ship	vessel
Subsection 9.4.5, note	ship	vessel
Subsection 11.6	ships	vessels

## Schedule 39 Marine Orders Part 93, issue 5

(section 3)

### [1] Before section 1

*insert*

#### 1A Name of Order

This Order is *Marine Order 93 (Marine pollution prevention — noxious liquid substances) 2006*.

### [2] After subsection 1.2.1

*insert*

- 1.2.1A Subsection 130(1) of the Navigation Act provides that the regulations may make provision about pollution certificates.
- 1.2.1B Subsection 314(3) of the Navigation Act provides that the regulations may prescribe various matters about certificates, including the time when certificates, variations of certificates and revocation of certificates come into force.
- 1.2.1C Subsection 341(1) of the Navigation Act provides that the regulations may provide for the imposition of penalties and civil penalties for a contravention of the regulations or a notice, order, direction or instruction given, issued or made under, or in force because of, the regulations.

**[3] Subsection 1.2.3**

*substitute*

1.2.3 Subsection 342(1) of the Navigation Act provides that AMSA may make orders for any matter for which provision must or may be made by regulation.

1.2.4 Subsection 34(1) of the Pollution Prevention Act provides that AMSA may make orders for any matter for which provision may be made by regulation.

**[4] Section 2, heading**

*substitute*

**2 Definitions**

In this Order:

**[5] Section 2, definitions of AMSA, Area Manager, General Manager and IMO**

*omit*

**[6] Section 2, definition of IPP certificate**

*substitute*

***IPP certificate*** (or ***International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk***) means:

- (a) a pollution certificate relating to carriage of noxious liquids or oil issued under section 132 of the Navigation Act; or
- (b) a certificate relating to Annex II issued under section 319 of the Navigation Act.

**[7] Section 2, definitions of Manager, Environmental Protection Standards, Manager, Ship Inspections, MARPOL, Navigation Act, penal provision, Pollution Prevention Act, survey authority and surveyor**

*omit*

**[8] Section 2, at the foot**

*insert*

*Note 1* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- Area Manager
- General Manager, Emergency Response Division
- General Manager, Marine Environment Division
- General Manager, Ship Safety Division
- IMO
- Manager, Marine Environment Standards
- Manager, Ship Inspection and Registration
- Manager, Ship Operations and Qualifications
- MARPOL
- Navigation Act
- Pollution Prevention Act.



*Note 2* Other terms used in this Order are defined in the Navigation Act or Pollution Prevention Act, including, in the Navigation Act:

- AMSA
- inspector
- master.
- recognised organisation (for organisations that have been prescribed for the definition — see *Marine Order 1 (Administration) 2011*);

and in the Pollution Prevention Act:

- Australian ship
- foreign ship.

*Note 3* Most provisions of this Order are expressed using terms used in the Navigation Act (for example, vessel). However, some provisions of this Order that are made solely under the Pollution Prevention Act use terms used in that Act (for example, ship and Australian ship). An example of a provision using terms used in the Pollution Prevention Act is subsection 4.2.

*Note 4* Information on obtaining copies of IMO Resolutions or other documents mentioned in this Order is available on AMSA's website at <http://www.amsa.gov.au> or by email to [international.relations@amsa.gov.au](mailto:international.relations@amsa.gov.au).

**[9] Subsection 3.4**

*omit*

**[10] Subsection 4.1**

*omit everything after*

applies

*insert*

to:

- (a) a non-foreign vessel:
  - (i) to which Annex II is expressed to apply; or
  - (ii) owned or operated by the Commonwealth and used, for the time being, on government non-commercial service; and
- (b) a foreign vessel to which Annex II is expressed to apply.

*Note 1* The legislation mentioned in subsection 4.1 provides, in effect, that this Order does not apply to certain vessels to which MARPOL applies because of a law of a State or the Northern Territory or the Maritime Safety (Domestic Commercial Vessel) National Law.

*Note 2* A provision of this Order made under the Navigation Act affects foreign vessels only to the extent that it is expressed to apply to foreign vessels.

**[11] After subsection 4.1**

*insert*

4.1A For subsection 4.1, each of the following is a *non-foreign vessel*:

- (a) a regulated Australian vessel;
- (b) a domestic commercial vessel;
- (c) a recreational vessel that has Australian nationality.

**[12] After section 4***insert***4A Vessels not required to have pollution certificate**

For sections 135 and 136 of the Navigation Act, a vessel for which a certificate of fitness mentioned in the BCH Code or the IBC Code is in force is not required to have an IPP Certificate.

**[13] Sections 5 and 6***substitute***5 Equivalentents**

- 5.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for approval to use an equivalent.  
*Note* For definitions of *equivalent* and *use*, see subsection 5.4.
- 5.2 The decision maker for the application is the Manager, Ship Inspection and Registration.
- 5.3 The decision maker may approve use of an equivalent only if he or she is satisfied that use of the equivalent would be at least as effective as compliance with the requirement to which the equivalent is an alternative.
- 5.4 For this section:  
*equivalent* means:
- (a) a fitting, material, appliance or apparatus that could be fitted or carried in a vessel as an alternative to a fitting, material, appliance or apparatus that a provision of this Order requires to be fitted or carried in the vessel; or
  - (b) an arrangement that could be made, or a procedure that could be followed, for a vessel, its equipment or cargo as an alternative to a requirement of this Order.
- use*, of an equivalent, includes:
- (a) for a fitting, material, appliance or apparatus — fitting or carrying it in or on a vessel; and
  - (b) for an arrangement or procedure — making the arrangement or following the procedure.

*Note 1* *Marine Order 1 (Administration) 2011* deals with the following matters about equivalentents:

- making an application
- seeking further information about an application
- the time allowed for consideration of an application
- imposing conditions on approval of an application
- notification of a decision on an application
- review of decisions.

*Note 2* Under subsection 334(1) of the Navigation Act, the Minister or AMSA may exempt a vessel or person from the application of the Navigation Act or a provision of the Navigation Act.

**6 Review of decisions**

A decision under this Order, other than a decision under section 5, is taken to be a reviewable decision for section 18 of *Marine Order 1 (Administration) 2011*.

*Note 1* A decision under section 5 is also a reviewable decision for *Marine Order 1 (Administration) 2011* because it is mentioned in section 16 of that Order.

*Note 2* For review by the Administrative Appeals Tribunal of decisions made under the Navigation Act — see section 313 of the Navigation Act.

**[14] After subsection 8.8.3**

*insert*

- 8.8.4 An offence against subsection 8.8.3 is a strict liability offence.
- 8.8.5 A person is liable to a civil penalty if the person contravenes subsection 8.8.3.  
Civil penalty: 50 penalty units.
- 8.8.6 If the vessel is at sea or at a port outside Australia, the report mentioned in subsection 8.8.3 must be made to the Manager, Ship Inspection and Registration, through the Rescue Coordination Centre (RCC) Australia.  
*Note* Contact details for the RCC are provided in Form MO-93/2, set out in Schedule 1.
- 8.8.7 If the vessel is at a port outside Australia, the master must, in addition to reporting under subsection 8.8.3, report the accident or defect to the appropriate authority of the country where the port is situated.

**[15] Subsection 9.1**

*substitute*

- 9.1 Preliminary matters about IPP certificates
- 9.1.1 For subsection 130(3) of the Navigation Act (which enables the regulations to provide that specified vessels are required to have specified pollution certificates), a vessel to which this Order applies must have an IPP certificate.
- 9.1.2 For subsection 131(1) of the Navigation Act (which enables a person to apply to an issuing body for a pollution certificate of a kind specified in the regulations), an IPP certificate is specified for a vessel to which this Order applies.
- 9.1.3 For section 132 of the Navigation Act (which enable criteria to be prescribed for the issue of a pollution certificate), the criteria for issue of an IPP certificate for a vessel are that the vessel:
- (b) has been surveyed in accordance with section 8; and
  - (c) complies with the requirements that apply to it under section 8.
- 9.1.4 For section 133 of the Navigation Act (which enable criteria to be prescribed for the variation of a pollution certificate), the criteria for variation of an IPP certificate for a vessel are that:
- (a) the vessel has been surveyed in accordance with section 8; and
  - (b) complies with the requirements that apply to it under section 8; and
  - (c) the variation is in accordance with subsections 9.4 and 9.5.
- 9.1.5 The form of an IPP certificate is the International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk set out in Appendix III of Annex II.

**[16] Subsection 9.2**

*omit*

ceasing to have effect at an earlier date in accordance with section 267S or section 267U of the Navigation Act.

*insert*

earlier revoked.

**[17] Subsection 9.2, at the foot**

*insert*

*Note* See subsection 9.4 for circumstances in which an IPP certificate may be varied to extend its period of validity.

**[18] Subsection 9.4, heading**

*substitute*

9.4 Variation of certificate to extend validity

**[19] Subsection 9.6, including the note**

*substitute*

9.6 Criteria for revocation of certificate

For section 134 of the Navigation Act (which enables criteria to be prescribed for the revocation of a pollution certificate), the criteria for revocation of an IPP certificate for a vessel are that:

- (a) a survey required by section 8 at a particular time is not completed when required by section 8; or
- (b) the certificate is not endorsed in accordance with subsection 8.7; or
- (c) the vessel becomes, or stops being, a registered Australian vessel.

*Note* A new certificate for a vessel that becomes, or stops being, a regulated Australian vessel will not be issued until an issuing body is- satisfied that the vessel complies with the requirements of Annex II.

**[20] Subsections 10.1 to 10.3**

*substitute*

10.1 Form of certificate issued under section 319 of the Navigation Act

A certificate issued under section 319 of the Navigation Act that relates to Annex II must be in the form of the International Pollution Prevention Certificate set out in Appendix III of Annex II.

*Note* The form of the certificate is the same for both non-foreign and foreign vessels.

10.2 Reporting of alterations to vessels

For paragraph 137(1)(c) of the Navigation Act, the period within which AMSA and a recognised organisation must be informed of an alteration to a vessel is 7 days after the alteration is made.

*Note 1* An approved form for subsection 10.2 is available from AMSA's website: <http://www.amsa.gov.au>. For convenience, the approved form is reproduced in Schedule 1 as Form MO 93/1.

*Note 2* For other reporting requirements — see *Transport Safety Investigation Act 2003*, sections 18 and 19.

10.3 Marine incidents

For paragraph (l) of the definition of *marine incident* in subsection 14(1) of the Navigation Act, an incident that causes damage to a vessel to an extent that may affect compliance with the requirements of an IPP certificate in force for the vessel is prescribed.

*Note 1* The owner of a vessel must report marine incidents and dangers to navigation to AMSA — see s185 of the Navigation Act. The master of a vessel must report marine incidents

and dangers to navigation to AMSA — see s186 of the Navigation Act. Section 13A of *Marine Order 31 (Ship surveys and certification) 2006* prescribes matters for these reports.

*Note 2* For serving documents if there is no master of a vessel — see section 328 of the Navigation Act.

**[21] Appendix, Forms MO — 93/1 and MO — 93/2**

*omit*

*Marine Orders, Part 93 (Marine Pollution Prevention — Noxious Liquid Substances)*

*insert*

*Marine Order 93 (Marine pollution prevention — noxious liquid substances) 2006*

**[22] Appendix, Form MO—93/1**

*omit*

To: \*Manager, Ship Inspections  
\*Area Manager, Maritime Operations - .....

*insert*

To: Manager, Ship Inspection and Registration  
Area Manager, Ship Safety Division — .....  
Recognised organisation that issued the certificate

**[23] Further amendments**

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 1.1.1	Part of Marine Orders	Order
Subsection 1.1.1, footnote 1	Marine Orders, Part 17	<i>Marine Order 17 (Liquefied gas carriers and chemical tankers) 2006</i>
Subsection 1.1.2	The Part	This Order
Subsection 1.1.2	Division 12A of Part IV	Chapter 4
Subsection 1.2.1	425(1)	339(1)
Section 2, definitions of <b>BCH Code</b> and <b>IBC Code</b>	Marine Orders, Part 17 (Liquefied Gas Carriers and Chemical Tankers);	<i>Marine Order 17 (Liquefied gas carriers and chemical tankers) 2006.</i>
Subsection 3.1	survey authority	recognised organisation
Subsection 3.2	Inspections	Inspection and Registration
Subsection 3.3	Part	Order
Subsection 3.3	ship	vessel
Subsection 4.1	subsection 267N(2)	section 12
Subsection 4.1	Part	Order
Subsection 7.2	Part	Order

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 8	ship	vessel
Section 8	ship's	vessel's
Paragraph 8.1(b)	provisions	subsections
Subsection 8.5	8.2	subsection 8.2
Subsection 8.5	8.8	subsection 8.8
Subsection 8.6	8.8.3	subsection 8.8.3
Subsection 8.8.2	Inspections	Inspection and Registration
Subsection 8.8.3	Inspections	Inspection and Registration
Subsection 8.8.3	8.6	subsection 8.6
Subsection 8.8.3	<u>This is a penal provision.</u>	Penalty: 50 penalty units.
Paragraph 9.2(b)	9.3	subsection 9.3
Subsection 9.3	in 9.2	mentioned in subsection 9.2
Subsection 9.4	Inspections	Inspection and Registration
Subsections 9.4.2 and 9.4.4	ship	vessel
Subsection 9.4.2	survey authority	recognised organisation
Subsection 9.4.3	an Australian ship	a non-foreign vessel
Subsection 9.4.3	a ship	a vessel
Subsection 9.4.3	the ship	the vessel
Subsection 9.4.4	9.4.1	subsection 9.4.1
Subsection 9.4.5	9.3	subsection 9.3
Subsection 9.4.5, footnote 11	ship	vessel
Subsection 9.5	provision 8	section 8
Paragraph 10.4.2(a)	Maritime Operations	Ship Safety Division
Paragraph 10.4.2(b)	Maritime Safety and Environmental Strategy	Marine Environment Division
Paragraph 10.4.2(c)	Response	Response Division
Paragraph 10.4.3(a)	Inspections	Inspection and Registration
Paragraph 10.4.4(a)	Maritime Operations	Ship Safety Division
Paragraph 10.4.4(b)	Response	Response Division
Subsection 10.5, note	the Appendix	Schedule 1
Subsection 10.6.1	the Appendix	Schedule 1

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 11.1	Part	Order
Subsection 11.2.1	survey authority	recognised organisation
Paragraphs 11.2.1(b) and (c)	Inspections	Inspection and Registration
Subparagraph 11.2.1(c)(i)	an Australian registered ship	a non-foreign vessel
Subparagraph 11.2.1(c)(ii)	foreign registered ship	foreign vessel
Paragraph 11.2.1(d)	a surveyor	an inspector
Paragraph 11.2.1(d)	190	254
Subsection 11.2.2	a surveyor	an inspector
Subsection 11.2.2	ship	vessel
Subsection 11.2.2	ship's	vessel's
Subsection 11.3	ship	vessel
Subsection 11.3	ships	vessels
Appendix, heading	Appendix	Schedule 1
Appendix, Form MO—93/1	<b>AN AUSTRALIAN SHIP</b>	<b>A VESSEL</b>
Appendix, Form MO—93/1	ship	vessel
Appendix, Form MO—93/2	Maritime Operations	Ship Safety Division
Appendix, Form MO—93/2	Response	Response Division

## [24] Further amendments — footnotes

<i>footnote</i>	<i>instruction</i>
1	Re-locate as a note at the foot of subsection 1.1.1
9	Re-locate as a note at the foot of subsection 7.1
10	Omit
11	Re-locate as a note at the foot of subsection 9.4.5
12	Re-locate as a note at the foot of subsection 9.6
13	Re-locate as a note at the foot of subsection 10.5
14	Re-locate as a note at the foot of subsection 10.9.1
15	Re-locate as a note at the foot of subsection 11.1

*Note* Footnotes not mentioned in this item are omitted as a consequence of the text to which they relate being omitted.

**[25] Further amendments — definitions**

Each definition in section 2 (other than the definition of *IPP certificate*) is amended by:

- (a) omitting the concluding semi-colon and inserting a full stop; and
- (b) formatting the defined term in bold italic.

**Schedule 40 Marine Orders Part 94, issue 5**

(section 3)

**[1] Before section 1**

*insert*

**1A Name of Order**

This Order is *Marine Order 94 (Marine pollution prevention — packaged harmful substances) 2009*.

**[2] Subsection 1.2.1**

*substitute*

- 1.2.1 Subsection 339(1) of the Navigation Act provides for regulations prescribing matters required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to the Act.
- 1.2.1A Paragraph 340(1)(c) of the Navigation Act provides that the regulations may give effect to MARPOL.

**[3] Section 2, heading**

*substitute*

**2 Definitions**

In this Order:

**[4] Section 2, definitions of *AMSA* and *Deputy CEO***

*omit*

**[5] Section 2, definition of *IMDG Code***

*substitute*

***IMDG Code*** means the International Maritime Dangerous Goods Code.

*Note* The IMDG Code as currently in force is available from the IMO website at <http://www.imo.org>. Information about the IMDG Code as currently in force is available in a Marine Notice on AMSA's website at <http://www.amsa.gov.au>.

**[6] Section 2, definitions of *IMO*, *MARPOL*, *penal provision*, *surveyor*, *the Navigation Act* and *the Pollution Prevention Act***

*omit*

**[7] Section 2, note at the foot**

*substitute*

*Note 1* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- IMO



- MARPOL
- Navigation Act
- Pollution Prevention Act.

*Note 2* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- inspector
- International Maritime Dangerous Goods Code.

*Note 3* Information on obtaining copies of IMO resolutions and documents referred to in this Order is available from AMSA on AMSA's website at <http://www.amsa.gov.au> or by email to [international.relations@amsa.gov.au](mailto:international.relations@amsa.gov.au).

## [8] Section 3

*omit*

## [9] Section 4

*omit everything after*

applies

*insert*

to:

- (a) a non-foreign vessel:
  - (i) to which Annex III is expressed to apply; or
  - (ii) owned or operated by the Commonwealth and used, for the time being, on government non-commercial service; and
- (b) a foreign vessel to which Annex III is expressed to apply.

*Note* The legislation mentioned provides, in effect, that this Order does not apply to certain vessels to which MARPOL applies because of a law of a State or the Northern Territory or the Maritime Safety (Domestic Commercial Vessel) National Law.

4.2 For subsection 4.1, each of the following is a ***non-foreign vessel***:

- (a) a regulated Australian vessel;
- (b) a domestic commercial vessel;
- (c) a recreational vessel that has Australian nationality.

## [10] Section 5

*substitute*

### 5 Review of decisions

A decision under section 8 is taken to be a reviewable decision for section 18 of *Marine Order 1 (Administration) 2011*.

## [11] After subsection 8.2.3

*insert*

8.2.4 An offence against subsection 8.2.3 is a strict liability offence.

8.2.5 A person is liable to a civil penalty if the person contravenes subsection 8.2.3.

Civil penalty: 50 penalty units.

**[12] Further amendments — definitions**

Each definition in section 2 (other than the definition of *IMDG Code*) is amended by:

- (a) omitting the concluding semi-colon and inserting a full stop; and
- (b) formatting the defined term in bold italic.

**[13] Further amendments**

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 1.1.1	Part of Marine Orders	Marine Order
Subsection 1.1.2	The Part	This Order
Subsection 1.1.2	Division 12B of Part IV	Chapter 4
Subsection 1.2.3	Subsection 425(1AA)	Subsection 342(1)
Section 4	Subject	4.1 Subject
Section 4	subsection 267ZB(2)	section 12
Section 4	Part	Order
Subsection 6.1	subsection 267ZC	paragraph 340(1)(c)
Section 6, note	surveyor	inspector
Subsection 7.4.1	the Appendix	Schedule 1
Section 8	ship	vessel
Section 8	<u>This is a penal provision.</u>	Penalty: 50 penalty units.
Subsection 8.1, heading	ships	foreign vessels
Subsection 8.1	a surveyor	an inspector
Subsection 8.1	the surveyor	the inspector
Subsection 8.2, heading	ships	foreign vessels
Subsection 8.2.1	A surveyor	An inspector
Subsection 8.2.1	8.1	subsection 8.1
Subsection 8.2.2	surveyor	inspector
Subsection 8.2.3	8.2.1	subsection 8.2.1
Appendix, heading	Appendix Marine Pollutants Report Form	Schedule 1 Marine Pollutants Report Form

## Schedule 41 Marine Orders Part 96, issue 2

(section 3)

### [1] Before section 1

*insert*

#### 1A Name of Order

This Order is *Marine Order 96 (Marine pollution prevention — sewage) 2009*.

### [2] After subsection 1.2.1

*insert*

- 1.2.1A Subsection 130(1) of the Navigation Act provides that the regulations may make provision about pollution certificates.
- 1.2.1B Subsection 314(3) of the Navigation Act provides that the regulations may prescribe various matters about certificates, including the time when certificates, variations of certificates and revocation of certificates come into force.
- 1.2.1C Subsection 341(1) of the Navigation Act provides that the regulations may provide for the imposition of penalties and civil penalties for a contravention of the regulations or a notice, order, direction or instruction given, issued or made under, or in force because of, the regulations.

### [3] Subsection 1.2.3

*substitute*

- 1.2.3 Subsection 342(1) of the Navigation Act provides that AMSA may make orders for any matter for which provision must or may be made by regulation.
- 1.2.4 Subsection 34(1) of the Pollution Prevention Act provides that AMSA may make orders for any matter for which provision may be made by regulation.

### [4] Section 2, heading

*substitute*

## 2 Definitions

In this Order:

### [5] Section 2, definitions of *AMSA, Australian ship, Deputy CEO, IMO, Manager, Ship Inspections, MARPOL and penal provision*

*omit*

### [6] Section 2, definition of *sewage certificate*

*substitute*

***ISPP certificate*** (or ***International Sewage Pollution Prevention Certificate***) means:

- (a) a pollution certificate relating to sewage issued under section 132 of the Navigation Act; or
- (b) a certificate relating to Annex IV issued under section 319 of the Navigation Act.

**[7] Section 2, definitions of *survey authority*, the *Navigation Act* and the *Pollution Prevention Act***

*omit*

**[8] Section 2, at the foot**

*insert*

*Note 1* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- Area Manager
- General Manager, Maritime Operations Division
- General Manager, Marine Environment Division
- General Manager, Ship Safety Division
- IMO
- Manager, Marine Environment Standards
- Manager, Ship Inspection and Registration
- Manager, Ship Operations and Qualifications
- MARPOL
- Navigation Act
- Pollution Prevention Act.

*Note 2* Other terms used in this Order are defined in the Navigation Act or Pollution Prevention Act including, in the Navigation Act:

- AMSA
- inspector
- recognised organisation (for organisations that have been prescribed for the definition — see *Marine Order 1 (Administration) 2011*)
- regulated Australian vessel.

*Note 3* Most provisions of this Order are expressed using terms used in the Navigation Act (for example, vessel). However, some provisions of this Order that are made solely under the Pollution Prevention Act use terms used in that Act (for example, ship). An example of a provision using terms used in the Pollution Prevention Act is subsection 10.4.

*Note 4* There is information on obtaining copies of IMO resolutions and documents mentioned in this Order on AMSA's website at <http://www.amsa.gov.au> or by email at [internationalrelations@amsa.gov.au](mailto:internationalrelations@amsa.gov.au).

**[9] Section 3**

*omit*

**[10] Subsection 4.1**

*omit everything after*

applies

*insert*

to:

- (a) a non-foreign vessel:
  - (i) to which Annex IV is expressed to apply; or
  - (ii) owned or operated by the Commonwealth and used, for the time being, on government non-commercial service; and
- (b) a foreign vessel to which Annex IV is expressed to apply.

*Note 1* The legislation mentioned in subsection 4.1 provides, in effect, that this Order does not apply to certain vessels to which MARPOL applies because of a law of a State or the Northern Territory or the Maritime Safety (Domestic Commercial Vessel) National Law.

*Note 2* A provision of this Order made under the Navigation Act affects foreign vessels only to the extent that it is expressed to apply to foreign vessels.

## [11] Subsection 4.2

*substitute*

4.2 For subsection 4.1, each of the following is a ***non-foreign vessel***:

- (a) a regulated Australian vessel;
- (b) a domestic commercial vessel;
- (c) a recreational vessel that has Australian nationality.

## [12] Sections 5 and 6

*substitute*

### 5 Equivalentents

5.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for approval to use an equivalent.

*Note* For definitions of ***equivalent*** and ***use*** — see subsection 5.4.

5.2 The decision maker for the application is the Manager, Ship Inspection and Registration.

5.3 The decision maker may approve use of an equivalent only if he or she is satisfied that use of the equivalent would be at least as effective as compliance with the requirement to which the equivalent is an alternative.

5.4 For this section:

***equivalent*** means:

- (a) a fitting, material, appliance or apparatus that could be fitted or carried in a vessel as an alternative to a fitting, material, appliance or apparatus that a provision of this Order requires to be fitted or carried in the vessel; or
- (b) an arrangement that could be made, or a procedure that could be followed, for a vessel, its equipment or cargo as an alternative to a requirement of this Order.

***use***, of an equivalent, includes:

- (a) for a fitting, material, appliance or apparatus — fitting or carrying it in or on a vessel; and
- (b) for an arrangement or procedure — making the arrangement or following the procedure.

*Note* *Marine Order 1 (Administration) 2011* deals with the following matters about equivalentents:

- making an application
- seeking further information about an application
- the time allowed for consideration of an application
- imposing conditions on approval of an application
- notification of a decision on an application
- review of decisions.

### 6 Review of decisions

A decision under this Order, other than a decision under section 5, is taken to be a reviewable decision for section 18 of *Marine Order 1 (Administration) 2011*.

*Note 1* A decision under section 5 is also a reviewable decision for *Marine Order 1 (Administration) 2011* because it is mentioned in section 16 of that Order.

*Note 2* Section 313 of the Navigation Act provides for review by the Administrative Appeals Tribunal of decisions under sections 132, 133 and 134 of the Act relating to pollution certificates.

**[13] Subsection 8.5.3, note**

*omit*

**[14] After subsection 8.5.3**

*insert*

- 8.5.4 An offence against subsection 8.5.3 is a strict liability offence.
- 8.5.5 A person is liable to a civil penalty if the person contravenes subsection 8.5.3.  
Civil penalty: 50 penalty units.
- 8.5.6 If the vessel is at sea or at a port outside Australia, the report mentioned in subsection 8.5.3 must be made through the Rescue Coordination Centre (RCC) Australia (telephone +61 2 6230 6811; fax +61 2 6230 6868).
- 8.5.7 If the vessel is at a port outside Australia, the master must also report the accident or defect to the appropriate authority of the country where the port is situated.

**[15] Subsection 9.1**

*substitute*

- 9.1 Preliminary matters about ISPP certificates
- 9.1.1 For subsection 130(3) of the Navigation Act (which enables the regulations to provide that specified vessels are required to have specified pollution certificates), a vessel to which this Order applies must have an ISPP certificate.
- 9.1.2 For subsection 131(1) of the Navigation Act (which enables a person to apply to an issuing body for a pollution certificate of a kind specified in the regulations), an ISPP certificate is specified for a vessel to which this Order applies.
- 9.1.3 For section 132 of the Navigation Act (which enables criteria to be prescribed for the issue of a pollution certificate), the criteria for the issue of an ISPP certificate for a vessel are that the vessel:
- (a) complies with Regulation 4 of Annex IV; and
  - (b) has been surveyed in accordance with section 8; and
  - (c) complies with the requirements that apply to it under section 8.
- 9.1.4 For section 133 of the Navigation Act (which enables criteria to be prescribed for the variation of a pollution certificate), the criteria for variation of an ISPP certificate for a vessel are that:
- (a) the vessel has been surveyed in accordance with section 8; and
  - (b) the vessel complies with the requirements that apply to it under section 8; and
  - (c) the variation is in accordance with subsection 9.4.
- 9.1.5 The form of an ISPP certificate is the International Sewage Pollution Prevention Certificate set out in the Appendix to Annex IV.

*Note* A new certificate for a ship transferring to the Australian flag will not be issued until an issuing body is satisfied that the ship complies with Annex IV.

**[16] Subsection 9.2**

*omit*

ceasing to have effect at an earlier date in accordance with section 267ZJ or section 267ZL of the Navigation Act.

*insert*

earlier revoked.

*Note* See subsection 9.4 for circumstances in which an ISPP certificate may be varied to extend its period of validity.

**[17] Subsection 9.4, heading**

*substitute*

**9.4 Variation of certificate to extend validity****[18] Subsection 9.5**

*substitute*

**9.5 Criteria for revocation of certificate**

For section 134 of the Navigation Act (which enables criteria to be prescribed for the revocation of a pollution certificate), the criteria for revocation of an ISPP certificate for a vessel are that:

- (a) a survey required by section 8 at a particular time is not completed when required by section 8; or
- (b) the vessel to which it applies ceases to be registered in Australia.

**[19] Subsections 10.1 and 10.2**

*substitute*

**10.1 Reporting of alterations to vessels**

For paragraph 137(1)(c) of the Navigation Act, the period within which an issuing body must be informed of an alteration to a vessel is 7 days after the alteration is made.

*Note* An approved form for subsection 10.1 is available from AMSA's website:

<http://www.amsa.gov.au>. For convenience, the approved form is also reproduced in Schedule 1 as Form MO —96/1.

**10.2 Marine incidents**

For paragraph (l) of the definition of *marine incident* in subsection 14(1) of the Navigation Act, an incident that causes damage to a vessel to an extent that may affect compliance with the requirements of an ISPP certificate in force for the vessel is prescribed.

*Note 1* The owner of a vessel must report marine incidents and dangers to navigation to AMSA— see s185 of the Navigation Act. The master of a vessel must report marine incidents and dangers to navigation to AMSA — see s186 of the Navigation Act. Section 13A of *Marine Order 31 (Ship surveys and certification) 2006* prescribes matters for these reports.

*Note 2* For serving documents if there is no master of a vessel — see section 328 of the Navigation Act.

**[20] After subsection 11.2.1**

*insert*

*Note* For other reporting requirements — see *Transport Safety Investigation Act 2003*, sections 18 and 19.

**[21] After subsection 11.2.3**

*insert*

11.2.4 An offence against subsection 11.2.3 is a strict liability offence.

11.2.5 A person is liable to a civil penalty if the person contravenes subsection 11.2.3.

Civil penalty: 50 penalty units.

**[22] Appendix, Form MO—96/1**

*substitute*

**AUSTRALIA**

*Form MO96/1*

*Marine Order 96 (Marine pollution prevention — sewage) 2006*

**NOTICE OF ALTERATION TO VESSEL**

To: Manager, Ship Inspection and Registration

Area Manager, Ship Safety Division.....

Recognised organisation that issued the certificate

**PARTICULARS TO BE NOTIFIED**

1. Name of vessel.
2. Official number (if any).
3. IMO number (if any).
4. Home port/port of registry.
5. Call sign.
6. Name of owner(s) or agent.
7. Address of principal place of business of owner or agent in Australia.
8. Date of issue and reference number of International Sewage Pollution Prevention Certificate.
9. Description of nature and extent of alteration to the vessel (including date(s) on which alterations were commenced and completed).
10. Name and address of person or corporation effecting alteration.
11. Reason(s) for, or cause(s) of alteration.



12. Particulars of changes in the construction of the ship.

13. Additional information (if any) affecting the compliance of the vessel with the provisions of Annex IV (MARPOL).

.....  
(signature of master or owner)

.....  
(date)

### [23] Further amendments — definitions

Each definition in section 2 (other than the definition of *ISPP certificate*) is amended by:

- (a) omitting the concluding semi-colon and inserting a full stop; and
- (b) formatting the defined term in bold italic.

### [24] Further amendments

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 1.1	Part of Marine Orders	Order
Subsection 1.2.1	Section 267ZF	Paragraph 340(1)(c)
Subsection 1.2.2	425(1)	339(1)
Subsection 4.1	subsection 267ZE(3)	section 12
Subsections 4.1 and 4.3	Part	Order
Subsection 4.3	Provisions	Sections
Subsection 4.3	ship that is not an Australian ship	foreign vessel
Section 7	Inspections	Inspection and Registration
Subsection 7.1	ship	vessel
Subsection 7.1	survey authority	recognised organisation
Subsection 7.2	ship's	vessel's
Subsection 7.2	ships	vessels
Subsection 7.2.1	7.2.2	subsection 7.2.2
Section 8	ship	vessel
Paragraph 8.1(a)	a sewage	an ISPP
Paragraph 8.1(b)	9.3	subsections 9.3
Paragraph 8.1(c)	8.4	subsection 8.4
Subsections 8.2 and 8.3	ship's	vessel's
Subsection 8.4	8.5.3	subsection 8.5.3

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 8.5.2	Inspections	Inspection and Registration
Subsection 8.5.3	8.4	subsection 8.4
Subsection 8.5.3	Inspections	Inspection and Registration
Subsection 8.5.3	<u>This is a penal provision.</u>	Penalty: 50 penalty units.
Subsection 9.2	A sewage	An ISPP
Paragraph 9.2(b)	9.3	subsection 9.3
Subsection 9.3	9.2(b)	paragraph 9.2(b)
Subsection 9.4	Manager, Ship Inspections	Manager, Ship Inspection and Registration
Subsection 9.4	ship	vessel
Subsection 9.4.1	a sewage	an ISPP
Subsection 9.4.2	sewage	ISPP
Subsection 9.4.2	survey authority	recognised organisation
Subsection 9.4.3	a sewage	an ISPP
Subsection 9.4.4	A sewage	An ISPP
Subsection 9.4.4	9.4.1	subsection 9.4.1
Subsection 9.4.5	sewage	ISPP
Subsection 9.4.5	9.3	subsection 9.3
Section 11, subsection headings	ships	foreign vessels
Section 11	ship	vessel
Subsections 11.1 and 11.2.2	the surveyor	the inspector
Paragraph 11.1(a)	a surveyor	an inspector
Subsection 11.2.1	A surveyor	An inspector
Subsection 11.2.1	11.1	subsection 11.1
Subsection 11.2.3	11.2.1	subsection 11.2.1
Subsection 11.2.3	<u>This is a penal provision.</u>	Penalty: 50 penalty units.
Appendix, heading	Appendix	Schedule 1

## Schedule 42 Marine Orders Part 97, issue 1

(section 3)

### [1] Paragraph 1.1(b)

*substitute*

- (b) gives effect to Chapter 4 of the Navigation Act and prescribes matters for Division 2 of Part IIID of the Pollution Prevention Act.

**[2] After subsection 1.2.1**

*insert*

- 1.2.1A Subsection 130(1) of the Navigation Act provides that the regulations may make provision about pollution certificates.
- 1.2.1B Subsection 314(3) of the Navigation Act provides that the regulations may prescribe various matters about certificates, including the time when certificates, variations of certificates and revocation of certificates come into force.
- 1.2.1C Subsection 341(1) of the Navigation Act provides that the regulations may provide for the imposition of penalties and civil penalties for a contravention of the regulations or a notice, order, direction or instruction given, issued or made under, or in force because of, the regulations.

**[3] Subsection 1.2.3**

*substitute*

- 1.2.3 Subsection 342(1) of the Navigation Act provides that AMSA may make orders for any matter for which provision must or may be made by regulation.
- 1.2.4 Subsection 34(1) of the Pollution Prevention Act provides that AMSA may make orders for any matter (other than the imposition of penalties) for which provision may be made by regulation.

**[4] Section 2, heading**

*substitute*

**2 Definitions**

- 2.1 In this Order:

**[5] Section 2, definition of *Area Manager***

*omit*

**[6] Section 2, definition of *IAPP Certificate*, including the note**

*substitute*

***EIAPP certificate*** (or ***Engine International Air Pollution Prevention certificate***) means:

- (a) a pollution certificate relating to air pollution or ozone depleting substances issued under section 132 of the Navigation Act for engines and equipment; or
- (b) a certificate relating to Annex VI issued under section 319 of the Navigation Act for engines and equipment.

*Note* For the form of certificate — see subsection 8.1A.6.

***IAPP certificate*** (or ***International Air Pollution Prevention certificate***) means:

- (a) a pollution certificate relating to air pollution or ozone depleting substances issued under section 132 of the Navigation Act for a vessel; or
- (b) a certificate relating to Annex VI issued under section 319 of the Navigation Act for a vessel.

*Note* For the form of certificate — see subsection 8.1A.5.

**[7] Section 2, after the note**

*insert*

*Note 2* Some terms used in this Order are defined in the Navigation Act or Pollution Prevention Act, including:

- AMSA
  - inspector
  - recognised organisation (for organisations that have been prescribed for the definition — see *Marine Order 1 (Administration) 2011*)
  - regulated Australian vessel.
- 2.2 An EIAPP certificate for an engine installed on a vessel is taken to be issued for the vessel.
- 2.3 A vessel is taken to have an EIAPP certificate if each engine installed on the vessel has an EIAPP certificate.

**[8] Subsection 4.1**

*omit everything after*  
applies

*insert*

to:

- (a) a non-foreign vessel:
- (i) to which Annex VI is expressed to apply; or
  - (ii) owned or operated by the Commonwealth and used, for the time being, on government non-commercial service; and
- (b) a foreign vessel to which Annex VI is expressed to apply.

*Note 1* The legislation mentioned in subsection 4.1 provides, in effect, that this Order does not apply to certain vessels to which MARPOL applies because of a law of a State or the Northern Territory or the Maritime Safety (Domestic Commercial Vessel) National Law.

*Note 2* A provision of this Order made under the Navigation Act affects foreign vessels only to the extent that it is expressed to apply to foreign vessels.

**[9] After subsection 4.1**

*insert*

4.1A For subsection 4.1, each of the following is a ***non-foreign vessel***:

- (a) a regulated Australian vessel;
- (b) a domestic commercial vessel;
- (c) a recreational vessel that has Australian nationality.

**[10] Subsection 7.8**

*substitute*

**7.8 Emission of nitrogen oxides from engines**

The requirements for the issue of an EIAPP certificate for engines and equipment are that the engines and equipment:

- (a) are surveyed in accordance with the NO<sub>x</sub> Technical Code 2008; and
- (b) are found to comply with Regulation 13 of Annex VI.

*Note* See also IMO Resolution MEPC.103(49): Guidelines for on-board NO<sub>x</sub> verification procedure — direct measurement and monitoring method.

**[11] Section 7.9.3, note**

*omit*

**[12] After subsection 7.9.3**

*insert*

7.9.4 An offence against subsection 7.9.3 is a strict liability offence.

7.9.5 A person is liable to a civil penalty if the person contravenes subsection 7.9.3.

Civil penalty: 50 penalty units.

7.9.6 If the vessel is at sea or at a port outside Australia, the report mentioned in subsection 7.9.3 must be made to the Manager, Ship Inspection and Registration, through the Rescue Coordination Centre (RCC) Australia.

*Note* Contact details for the RCC are: telephone: +61 (0)2 6230 6811; freecall: 1800 641 792 (within Australia); facsimile: +61 (0)2 6230 6868; AFTN: YSARYCYX; e-mail: rccaus@amsa.gov.au.

7.9.7 If the vessel is at a port outside Australia, the master must also report the accident or defect to the appropriate authority of the country where the port is situated.

**[13] Before subsection 8.1**

*insert*

**8.1A Preliminary matters about IAPP certificates**

8.1A.1 For subsection 130(3) of the Navigation Act (which enables the regulations to provide that specified vessels are required to have specified pollution certificates), a vessel to which this Order applies must have:

- (a) an IAPP certificate; and
- (b) an EIAPP certificate for each engine installed on the vessel.

8.1A.2 For subsection 131(1) of the Navigation Act (which enables a person to apply to an issuing body for a pollution certificate of a kind specified in the regulations), an IAPP certificate and an EIAPP certificate are specified for a vessel to which this Order applies.

8.1A.3 For section 132 of the Navigation Act (which enables criteria to be prescribed for the issue of a pollution certificate), the criteria for issue of an IAPP certificate for a vessel are that the vessel:

- (a) complies with Regulation 5 of Annex VI; and
- (b) has been surveyed in accordance with section 7; and
- (c) complies with the requirements that apply to it under section 7.

8.1A.4 For section 133 of the Navigation Act (which enables criteria to be prescribed for the variation of a pollution certificate), the criteria for variation of an IAPP certificate for a vessel are that:

- (a) the vessel has been surveyed in accordance with section 7; and
- (b) the vessel complies with the requirements that apply to it under section 7; and
- (c) the variation is in accordance with subsections 8.3 and 8.4.

8.1A.5 The form of an IAPP certificate is the International Air Pollution Prevention Certificate set out in Appendix I to Annex VI.

- 8.1A.6 The form of an EIAPP certificate is the Engine International Air Pollution Prevention Certificate set out in Appendix I to the NO<sub>x</sub> Technical Code 2008.  
*Note* A new certificate for a ship transferring to the Australian flag will not be issued until an issuing body is satisfied that the ship complies with Annex VI.

**[14] Section 8, note before subsection 8.1**

*omit*

**[15] Subsection 8.1**

*omit*

ceasing to have effect at an earlier date in accordance with section 267ZZ or section 267ZZB of the Navigation Act.

*insert*

earlier revoked.

*Note* See subsection 8.1A.4 for circumstances in which an IAPP certificate may be varied to extend its period of validity.

**[16] Subsection 8.3, heading**

*substitute*

8.3 Variation of certificate to extend validity

**[17] Subsection 8.5**

*substitute*

8.5 Criteria for revocation of certificate

For section 134 of the Navigation Act (which enables criteria to be prescribed for the revocation of a pollution certificate), the criteria for revocation of an IAPP certificate for a vessel are that:

- (a) a survey required by section 7 at a particular time is not completed when required by section 7; or
- (b) the vessel to which it applies ceases to be registered in Australia.

**[18] After subsection 9.2.1**

*insert*

- 9.2.1A An offence against subsection 9.2.1 is a strict liability offence.  
9.2.1B A person is liable to a civil penalty if the person contravenes subsection 9.2.1.  
Civil penalty: 50 penalty units.

**[19] After subsection 9.3.2**

*insert*

- 9.3.2A An offence against subsection 9.3.2 is a strict liability offence.  
9.3.2B A person is liable to a civil penalty if the person contravenes subsection 9.3.2.  
Civil penalty: 50 penalty units.

**[20] After subsection 10.10**

*insert*

- 10.11 An offence against subsection 10.1, 10.4, 10.6, 10.7, 10.8, 10.9 or 10.10 is a strict liability offence.

- 10.12 A person is liable to a civil penalty if the person contravenes subsection 10.1, 10.4, 10.6, 10.7, 10.8, 10.9 or 10.10.

Civil penalty: 50 penalty units.

**[21] Subsection 11**

*substitute*

**11 Matters prescribed for the Navigation Act**

**11.1 Reports of alterations to vessels**

For paragraph 137(1)(c) of the Navigation Act, the period within which AMSA and an issuing body must be informed of an alteration to a vessel is 7 days after the alteration is made.

*Note 1* An approved form for subsection 11.1 is available from AMSA's website: <http://www.amsa.gov.au>. For convenience, the approved form is reproduced in Schedule 1 as Form MO — 97/1.

*Note 2* For other reporting requirements — see *Transport Safety Investigation Act 2003*, sections 18 and 19.

**11.2 Marine incidents**

For paragraph (l) of the definition of *marine incident* in subsection 14(1) of the Navigation Act, an incident that causes damage to a vessel to an extent that may affect compliance with the requirements of an EIAPP certificate or IAPP certificate in force for the vessel is prescribed.

*Note 1* The owner of a vessel must report marine incidents and dangers to navigation to AMSA — see s185 of the Navigation Act. The master of a vessel must report marine incidents and dangers to navigation to AMSA — see s186 of the Navigation Act. Section 13A of *Marine Order 31 (Ship surveys and certification) 2006* prescribes matters for these reports.

*Note 2* For serving documents if there is no master of a vessel — see section 328 of the Navigation Act.

**[22] Schedule 1, Form MO — 97/1**

*omit*

*Marine Orders, Part 97 (Marine Pollution Prevention — Air Pollution)*

*insert*

*Marine Order 97 (Marine pollution prevention — air pollution) 2007*

**[23] Schedule 1, Form MO — 97/1**

*omit*

\*Manager Ship Inspection and Registration

\*Area Manager, Maritime Operations - .....

(\* — delete which inapplicable)

*insert*

Manager, Ship Inspection and Registration

Area Manager, Ship Safety — .....

Recognised organisation that issued the certificate.....

**[24] Further amendments**

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 1A	<i>Orders Part 97, issue 1</i>	<i>Order 97 (Marine pollution prevention — air pollution) 2007</i>
Subsection 1.1	Part of Marine Orders	Order
Subsection 1.2.1	425(1)	339(1)
Subsection 1.2.1	Section 267ZV	Paragraph 340(1)(c)
Section 2, definition of <b><i>NOx Technical Code</i></b>	<b><i>Code</i></b>	<b><i>Code 2008</i></b>
Section 2, note	<i>Note</i>	<i>Note 1</i>
Section 2, note	Part	Order
Section 2, note	<i>Marine Order 1, issue 2</i>	<i>Marine Order 1 (Administration) 2011</i>
Section 2, note	<ul style="list-style-type: none"> <li>• AMSA</li> </ul>	<ul style="list-style-type: none"> <li>• Area Manager</li> </ul>
Section 2, note	<ul style="list-style-type: none"> <li>• penal provision</li> <li>• survey authority.</li> </ul>	<ul style="list-style-type: none"> <li>• Pollution Prevention Act.</li> </ul>
Subsection 3.1	ship	vessel
Subsection 3.1	survey authority	recognised organisation
Subsection 3.1	Inspections	Inspection and Registration
Subsection 3.1, note	Part	Order
Section 4	Part	Order
Subsection 4.1	subsection 267ZU(2)	section 12
Subsection 4.2	Provisions 7 and 8 of this Part	Sections 7 and 8
Subsection 4.2	ship that is not an Australian ship	foreign vessel
Subsection 4.2	267ZX	section 319
Section 5	ship	vessel
Paragraph 5.1(a)	Part	Order
Subsection 5.2	<i>Marine Order 1, issue 2</i>	<i>Marine Order 1 (Administration) 2011</i>
Subsection 5.3	provision	subsection
Subsection 5.3, note	<i>Marine Order 1, issue 2</i>	<i>Marine Order 1 (Administration) 2011</i>
Subsection 7.1	ship	vessel
Paragraph 7.1(b)	provisions	subsections
Subsection 7.5	7.2	subsection 7.2
Subsection 7.5	7.9	subsection 7.9



<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 7.6	7.9.3	subsection 7.9.3
Subsection 7.6	ship	vessel
Subsection 7.9	ship	vessel
Subsection 7.9.3	7.6	subsection 7.6
Subsection 7.9.3	This is a penal provision	Penalty: 50 penalty units
Paragraph 8.1(b)	8.2	subsection 8.2
Subsection 8.2	8.1	subsection 8.1
Section 8.3	ship	vessel
Subsection 8.3.2	survey authority	recognised organisation
Subsection 8.3.3	an Australian ship	a non-foreign vessel
Subsection 8.3.4	8.3.1	subsection 8.3.1
Subsection 8.3.5	8.2	subsection 8.2
Subsection 8.4	7	section 7
Paragraph 8.4(b)	provision 8	section 7
Subsection 9.1	Provisions	Subsections
Paragraph 9.1(b)	provision	subsection
Subsection 9.2.1	This is a penal provision	Penalty: 50 penalty units
Subsection 9.2.1	ship	vessel
Subsection 9.2.1, table	Ship	Vessel
Subsection 9.3, heading	ships	vessels
Subsection 9.3.1	Provision	Subsection
Paragraph 9.3.1(c)	ship	vessel
Subsection 9.3.2	This is a penal provision.	Penalty: 50 penalty units.
Subsection 9.3.3	provision	subsection
Subsection 9.3.4	Provision	Subsection
Subsection 9.3.4	ship	vessel
Subsection 9.4, heading	ships	vessels
Subsection 9.4	provision	subsection
Subsection 9.4	an Australian ship	a non-foreign vessel
Subsection 9.5	Provisions	Subsections
Subsection 9.5	ship	vessel
Subsection 9.5	provisions	subsections
Subsection 9.6	ship	vessel

<i>provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subsection 9.6.1	Provisions	Subsections
Section 10	ship	vessel
Subsection 10.1	10.3	subsections 10.3
Subsection 10.1	10.2	subsection 10.2
Subsection 10.1	This is a penal provision	Penalty: 50 penalty units
Paragraph 10.2(b)	survey authority	recognised organisation
Subsection 10.3	10.2	subsection 10.2
Subsection 10.3	an Australian ship	a non-foreign vessel
Subsection 10.4	This is a penal provision	Penalty: 50 penalty units
Subsections 10.6 to 10.9	10.2(a)	paragraph 10.2(a)
Subsections 10.6 to 10.10	This is a penal provision	Penalty: 50 penalty units
Schedule 1, Form MO— 97/1	<b>AN AUSTRALIAN SHIP</b>	<b>A VESSEL</b>
Schedule 1, Form MO— 97/1	ship	vessel

### Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.