



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

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AMSA MO 2013/19

**Marine Order 18 (Measures to enhance maritime safety) 2013**

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

9 December 2013

**Mick Kinley**  
Acting Chief Executive Officer

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## Division 1 Preliminary

### 1 Name of Order

This Order is *Marine Order 18 (Measures to enhance maritime safety) 2013*.

### 2 Commencement

This Order commences on 1 January 2014.

### 3 Repeal of *Marine Order 18 (Measures to enhance maritime safety) 2009*

*Marine Order 18 (Measures to enhance maritime safety) 2009* is repealed.

### 4 Purpose

This Order:

- (a) gives effect to Chapter XI-1 of SOLAS, which deals with matters including:
  - (i) enhanced survey requirements for certain bulk carriers and oil tankers;
  - (ii) ship identification numbers;
  - (ii) owner identification numbers;
  - (iv) Continuous Synopsis Records; and
- (b) applies the following provisions of Chapter XI-1 of SOLAS to regulated Australian vessels not proceeding on, or for use on, overseas voyages:
  - (i) regulation 2 (enhanced surveys);
  - (ii) regulation 3 (ship identification numbers);
  - (iii) regulation 5 (Continuous Synopsis Records).

### 5 Power

- (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.
- (2) Subsection 339(2) of the Navigation Act mentions various matters that may be dealt with in regulations made under subsection 339(1), including testing, survey and certification of vessels.
- (3) Subsection 340(1) of the Navigation Act provides that the regulations may give effect to SOLAS.
- (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 the regulations.

### 6 Definitions

In this Order:

***Continuous Synopsis Record*** means:

- (a) a document issued by AMSA in accordance with paragraph 3 of regulation 5 of Chapter XI-1 of SOLAS; or

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- (b) for a regulated Australian vessel that is not proceeding on, or for use on, an overseas voyage — a document issued by AMSA to the same effect as a document mentioned in paragraph (a).

*Note* A Continuous Synopsis Record is intended to provide an on-board record of the history of a vessel — see paragraph 2.1 of regulation 5 of Chapter XI-1 of SOLAS.

**ESP Code** means the *International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers 2011* adopted by IMO Resolution A.1049 (27), as in force from time to time.

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

**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* The Registrar of Ships is a member of the staff of AMSA — see section 50 of the *Shipping Registration Act 1981*.

*Note 2* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2013*, including:

- Australian General Shipping Register
- Australian International Shipping Register
- equivalent
- SOLAS
- use, of an equivalent.

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

- inspector
- owner
- regulated Australian vessel.

*Note 4* For delegation of AMSA's powers to make decisions under this Order —see the AMSA website at <http://www.amsa.gov.au>.

## 7 Date of construction of vessel

For this Order, a vessel is taken to have been constructed when:

- (a) the keel is laid; or
- (b) both:
- (i) construction identifiable with a specific vessel starts; and
  - (ii) the lesser of at least 50 tonnes, or 1% of the estimated total mass of all structural material, of the vessel is assembled.

## 8 References to the Administration

For this Order, a reference to *the Administration* in Chapter XI-1 of SOLAS, an IMO resolution or document mentioned in this Order means AMSA.

*Note* Information on obtaining copies of IMO resolutions or other documents mentioned in this Order is available from AMSA.

## 9 Application

- (1) This Order applies to each of the following vessels:
  - (a) a regulated Australian vessel proceeding on an overseas voyage or for use on an overseas voyage;
  - (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.
- (2) However:
  - (a) this Order does not apply to a fishing vessel; and
  - (b) this Order, other than section 13, does not apply to a cargo vessel of less than 500 gross tonnage; and
  - (c) the following provisions also apply to a regulated Australian vessel that is neither proceeding, nor for use, on an overseas voyage:
    - (i) Division 2;
    - (ii) section 13;
    - (iii) Division 4.

## 10 Exemptions

- (1) A person may apply, in accordance with the application process mentioned in *Marine Order 1 (Administration) 2013*, for an exemption of a vessel from a requirement of this Order.
- (2) AMSA may give an exemption only if 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) 2013* 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.

## 11 Equivalents

- (1) A person may apply, in accordance with the application process mentioned in *Marine Order 1 (Administration) 2013*, for approval to use an equivalent.
- (2) AMSA may approve use of an equivalent only if 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

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(b) approving use of the equivalent would not contravene SOLAS.

*Note* For definitions of *equivalent* and *use* — see *Marine Order 1 (Administration) 2013*.

## Division 2 Enhanced surveys

### 12 Enhanced surveys

A vessel that is a bulk carrier or oil tanker within the meaning of SOLAS must undergo any surveys required for implementing regulation 2 of Chapter XI-1 of SOLAS.

*Note 1* Regulation 2 of Chapter XI-1 of SOLAS provides that the enhanced program of inspections must be in accordance with the ESP Code.

*Note 2* AMSA may arrange for a recognised organisation to carry out, on behalf of AMSA, surveys or anything else to be done for implementing regulation 2 of Chapter XI-1 of SOLAS.

## Division 3 Identification numbers

### 13 Ship identification number

The identification number of a vessel must be marked on the vessel in accordance with regulation 3 of Chapter XI-1 of SOLAS if the vessel is:

- (a) a passenger vessel of at least 100 gross tonnage; or
- (b) a cargo vessel of at least 300 gross tonnage.

### 14 Owner identification number

For paragraph 2 of regulation 3-1 of Chapter XI-1 of SOLAS (which enables a government to specify, for a vessel entitled to fly its flag, who is the registered owner of the vessel), a person with the overall general control and management of the vessel is specified.

## Division 4 Continuous Synopsis Records

### 15 Requirement for Continuous Synopsis Record

- (1) The owner of a 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 foreign vessel is subject to inspection in Australia as part of AMSA's port state control procedures.

- (2) An offence against subsection (1) is a strict liability offence.
- (3) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty: 50 penalty units.

### 16 Application for and issue of Continuous Synopsis Record

- (1) The Registrar of Ships must issue a Continuous Synopsis Record, for a vessel, that sets out the information mentioned in paragraph 3 of regulation 5 of Chapter XI-1 of SOLAS if:
  - (a) the owner of the vessel applies for a Continuous Synopsis Record; and

- (b) the Registrar of Ships is satisfied with the completeness and accuracy of the information given; and
- (c) the application fee, if any, has been paid.

*Note* Information about fees, which are determined under section 47 of the *Australian Maritime Safety Authority Act 1990*, can be obtained from the Registrar of Ships. The information is also available on the AMSA website at <http://www.amsa.gov.au>.

- (2) An application for a Continuous Synopsis Record may be made in writing to the Registrar of Ships.

*Note* *Marine Order 1 (Administration) 2013* provides that if a form is approved for the application the approved form must be used. Approved forms are available on the AMSA website at <http://www.amsa.gov.au>. If a postal address differs from a street address, both should be given.

- (3) If a Continuous Synopsis Record has previously been issued for the vessel, it must be kept on board the vessel and a copy given with an application under subsection (2).
- (4) The Registrar of Ships may require the owner of the vessel to give additional information to help in determining the accuracy of the information to be included in the Continuous Synopsis Record.

## 17 Maintenance of Continuous Synopsis Record

- (1) If information recorded in the Continuous Synopsis Record for a vessel is no longer accurate because of a changed circumstance, the owner of the vessel must tell the Registrar of Ships in writing about the changed circumstance within 14 days after the changed circumstance happens.

Penalty: 50 penalty units.

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

- (2) An offence against subsection (1) is a strict liability offence.
- (3) A person is liable to a civil penalty if the person contravenes subsection (2).

Civil penalty: 50 penalty units

- (4) The Registrar of Ships must issue a revised and updated Continuous Synopsis Record for a vessel that sets out the information mentioned in paragraph 3 of regulation 5 of Chapter XI-1 of SOLAS if:
  - (a) the Registrar of Ships is satisfied with the accuracy of the information given under subsection (1); and
  - (b) the fee, if any, for issue of a revised and updated Continuous Synopsis Record has been paid.

*Note* A copy of the current determination fixing fees under section 47 of the *Australian Maritime Safety Authority Act 1990* can be obtained from the Registrar of Ships. The determination is also available on the AMSA website at <http://www.amsa.gov.au>.

- (5) The owner of a vessel who receives a revised and updated Continuous Synopsis Record must ensure that it is attached to the superseded Continuous Synopsis Record within 14 days after receiving the revised and updated Continuous Synopsis Record.

Penalty: 50 penalty units.

- (6) An offence against subsection (5) is a strict liability offence.

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- (7) A person is liable to a civil penalty if the person contravenes subsection (5).  
Civil penalty: 50 penalty units.
- (8) The Registrar of Ships may require the owner of a vessel to give additional information to help in determining the accuracy of the information to be included in a revised and updated Continuous Synopsis Record.

**18 Vessel ceasing to be registered in Australia**

- (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 is 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.
- (2) An offence against subsection (1) is a strict liability offence.
- (3) A person is liable to a civil penalty if the person contravenes subsection (1).  
Civil penalty: 50 penalty units.

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**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>.