



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

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AMSA MO 2014/14

**Marine Order 19 (Tonnage measurement) 2014**

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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*.

14 August 2014

**Mick Kinley**  
Acting Chief Executive Officer

	Page
<b>Division 1 Preliminary .....</b>	<b>3</b>
1 Name of Order .....	3
1A Commencement .....	3
1B Repeal of <i>Marine Order 19 (Tonnage measurement) 2003</i> .....	3
2 Purpose .....	3
3 Power .....	3
4 Definitions .....	3
5 Interpretation .....	4
6 Application .....	4
7 Exemptions .....	4
<b>Division 2 Certificates issued under the Navigation Act .....</b>	<b>4</b>
8 Certificates required .....	4
9 Applying for certificates .....	5
10 Criteria for the issue of International Tonnage Certificates .....	5
11 Conditions of International Tonnage Certificates .....	5
12 Duration of certificates .....	5
13 Criteria for the revocation of certificates .....	5
<b>Division 3 Requirements for foreign vessels .....</b>	<b>6</b>
14 Requirements for foreign vessels to which the Tonnage Convention applies .....	6
<b>Division 4 Gross tonnage measurement for certain regulated Australian vessels .....</b>	<b>6</b>
15 Tonnage measurement in accordance with repealed regulations .....	6

## Division 1 Preliminary

### 1 Name of Order

This Order is *Marine Order 19 (Tonnage measurement) 2014*.

### 1A Commencement

This Order commences on 1 September 2014.

### 1B Repeal of *Marine Order 19 (Tonnage measurement) 2003*

*Marine Order 19 (Tonnage measurement) 2003* is repealed.

### 2 Purpose

This Order:

- (a) gives effect to the Tonnage Convention; and
- (b) deals with the certification of vessels as evidence of compliance with the Tonnage Convention.

### 3 Power

- (1) The following provisions of the Navigation Act provide for this Order to be made:
  - (a) subsection 153(1) which provides that regulations may give effect to the Tonnage Convention and otherwise provide for the tonnage of vessels;
  - (b) subsection 153(2) which provides that regulations may provide for the issuing of certificates, assigning tonnages to vessels and measuring of the tonnage of vessels;
  - (c) section 314 which provides for particular matters relating to certificates;
  - (d) paragraph 340(1)(e) which also provides that the regulations may give effect to the Tonnage Convention.
- (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.
- (3) Subsection 342(1) of the Navigation Act provides that AMSA may make a Marine Order about anything that may or must be made by regulation.

### 4 Definitions

In this Order:

***repealed regulations*** means the Navigation (Tonnage Measurement) Regulations in force on 5 September 1994.

***Tonnage Convention country*** means a country or territory to which the Tonnage Convention applies.

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

- Australian General Shipping Register
- Australian International Shipping Register
- IMO
- MARPOL

## Section 5

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- SOLAS.

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

- International Tonnage Certificate (1969)
- recognised organisation
- regulated Australian vessel
- Tonnage Convention.

*Note 3* For delegation of AMSA's powers under this Order — see the AMSA website Marine Orders link at <http://www.amsa.gov.au>.

## 5 Interpretation

In this Order:

- (a) a reference in the Tonnage Convention to *the Administration* is taken to mean AMSA; and
- (b) a term that is used but not defined for this Order, and is defined in the Tonnage Convention, has the same meaning as given by the Tonnage Convention; and
- (c) a vessel is taken to have its keel laid when the lesser of 50 tonnes, or 1% of the estimated total mass of all structural material, of the vessel is assembled; and
- (d) the unified interpretations of the Tonnage Convention, published by the IMO, are to be taken into account in complying with the requirements of the convention.

*Note for paragraph (a)* AMSA has an agreement with each of the recognised organisations mentioned in Schedule 1 of *Marine Order 1 (Administration) 2013* for the provision of survey and certification services for vessels registered in Australia. These bodies are authorised to provide these services on behalf of AMSA.

## 6 Application

This Order applies to:

- (a) a regulated Australian vessel; and
- (b) other than Divisions 2 and 4 — a foreign vessel.

## 7 Exemptions

- (1) A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2013*, for an exemption of a vessel mentioned in regulation 1(3) of Annex I of the Tonnage Convention from a requirement of this Order.
- (2) AMSA may determine the tonnage of the vessel mentioned in subsection (1).

## Division 2 Certificates issued under the Navigation Act

### 8 Certificates required

- (1) A regulated Australian vessel to which the Tonnage Convention applies must have an International Tonnage Certificate (1969).
- (2) However, subsection (1) does not apply if:
  - (a) the vessel was previously registered in another Tonnage Convention country and has a certificate issued under Article 7 of the Tonnage Convention; and

- (b) within the previous 3 months, the vessel transferred to the Australian General Shipping Register or the Australian International Shipping Register.

## 9 Applying for certificates

- (1) For subsection 154(1) of the Navigation Act (which enables a person to apply to an issuing body for a tonnage certificate specified in the regulations), an International Tonnage Certificate (1969) is specified.
- (2) Division 3 of *Marine Order 1 (Administration) 2013* (other than section 17) applies to an application to AMSA for a certificate mentioned in subsection (1).

*Note* Division 3 of *Marine Order 1 (Administration) 2013* prescribes some general rules about the making and determination of various kinds of applications. Section 17 of that Order provides for internal review of decisions about applications. That section does not apply to decisions about tonnage certificates because those decisions are reviewable under subsection 313(1) of the Navigation Act.

## 10 Criteria for the issue of International Tonnage Certificates

For paragraph 155(1)(b) of the Navigation Act, the criteria for issue of an International Tonnage Certificate (1969) are that:

- (a) the tonnage of the vessel has been determined in accordance with Annex I of the Tonnage Convention; and
- (b) for a vessel mentioned in regulation 5(3) of Annex I of the Tonnage Convention — more than 12 months has elapsed since the issue of an International Tonnage Certificate (1969).

## 11 Conditions of International Tonnage Certificates

For paragraph 155(2)(a) of the Navigation Act, an International Tonnage Certificate (1969) is subject to the condition that if the gross or net tonnage of the vessel is increased because its arrangement, construction, capacity, use of spaces, total number of passengers permitted to carry, assigned load line or permitted draught is altered, the owner must apply for the tonnage of the vessel to be re-determined.

## 12 Duration of certificates

An International Tonnage Certificate (1969) ceases to be in force:

- (a) in accordance with paragraph 2 of Article 10 of the Tonnage Convention; or
- (b) if the owner is required to apply for re-determination of tonnage in accordance with section 11.

## 13 Criteria for the revocation of certificates

For section 157 of the Navigation Act, the criteria for revocation of an International Tonnage Certificate (1969) are that:

- (a) a condition of the certificate has been breached; or
- (b) the owner of the vessel asks in writing that the vessel's certificate be revoked.

**Section 14**

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**Division 3 Requirements for foreign vessels**

**14 Requirements for foreign vessels to which the Tonnage Convention applies**

- (1) A foreign vessel to which the Tonnage Convention applies must have an International Tonnage Certificate (1969).
- (2) A foreign vessel to which the Tonnage Convention applies must comply with the requirements of the Tonnage Convention that apply to the vessel.

**Division 4 Gross tonnage measurement for certain regulated Australian vessels**

**15 Tonnage measurement in accordance with repealed regulations**

Gross tonnage measured in accordance with the repealed regulations may be used:

- (a) for a regulated Australian vessel with keel laid before 1 January 1986 — to determine the application of requirements of SOLAS; or
- (b) for a regulated Australian vessel with keel laid before 18 July 1994 — to determine the requirements of regulation 3 of Chapter IV of SOLAS as in force before 1 February 1992; or
- (c) for a regulated Australian vessel with keel laid before 18 July 1994 — to determine the application of requirements of MARPOL.

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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>.