



Australian Government
Australian Maritime Safety Authority

AMSA MO 2014/15

Marine Order 16 (Load lines) 2014

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

10 October 2014

Michael Kinley
Chief Executive Officer

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Division 1 Preliminary

1 Name of Order

This Order is *Marine Order 16 (Load lines) 2014*.

1A Commencement

This Order commences on 1 November 2014.

1B Repeal of *Marine Order 16 (Load Lines) 2004*

Marine Order 16 (Load Lines) 2004 is repealed.

2 Purpose

This Order:

- (a) gives effect to the Load Lines Convention; and
- (b) deals with certification of vessels for evidence of survey and compliance with the Load Lines Convention; and
- (c) provides for the marking of vessels; and
- (d) sets out the circumstances when a vessel is overloaded; and
- (e) prescribes entries relating to load lines to be made in the official logbook of a regulated Australian vessel.

3 Power

- (1) The following provisions of the Navigation Act provide for this Order to be made:
 - (a) section 98 which provides that the regulations may provide for safety certificates including giving effect to the Load Lines Convention;
 - (b) subsection 309(2) which provides that the regulations may provide for the keeping of logbooks;
 - (c) section 113 which provides that the regulations may provide for when a vessel is overloaded;
 - (d) section 314 which provides that the regulations may provide for matters relating to certificates;
 - (e) paragraph 340(1)(d) which provides that the regulations may provide for giving effect to the Load Lines Convention;
 - (f) subsection 341(1) which provides that the regulations may provide for the imposition of penalties and civil penalties for a contravention of certain instruments including an order.
- (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.
- (3) Subsection 342(1) of the Navigation Act provides that AMSA may make orders about matters that can be provided for by regulation.

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4 Definitions

In this Order:

conditions of assignment means the regulations in Chapter II of Annex I to the Load Lines Convention, including any application of the regulations to vessels not engaged on international voyages or to which the Load Lines Convention does not apply.

International Load Lines Certificate, for a regulated Australian vessel, means a safety certificate relating to the survey and marking of load lines that is:

- (a) issued under section 100 of the Navigation Act; and
- (b) in the form of the International Load Lines Certificate set out in Annex III to the Load Lines Convention.

International Load Lines Exemption Certificate, for a regulated Australian vessel, means a safety certificate that is:

- (a) issued under section 100 of the Navigation Act exempting the vessel from requirements of the Load Lines Convention; and
- (b) in the form of the International Load Lines Exemption Certificate set out in Annex III to the Load Lines Convention.

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

- equivalent
- fishing vessel
- IMO
- passenger vessel
- recognised organisation (for organisations that have been prescribed for the definition — see *Marine Order 1 (Administration) 2013*)
- SOLAS
- use.

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

- issuing body
- 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>.

Note 4 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 term that is used but is not defined for this Order, and is defined in the Load Lines Convention, has the meaning given by Load Lines Convention; and
- (b) for a regulated Australian vessel — a reference in the Load Lines Convention to **the Administration** is taken to mean AMSA; and

- (c) the unified interpretations of the Load Lines Convention, published by the IMO, are to be taken into account in complying with the requirements of the convention.

Note for paragraph (b) 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.

Note for paragraph (c) The following circulars are relevant: LL.3/Circ.55, LL.3/Circ.69, LL.3/Circ.77, LL.3/Circ.130, LL.3/Circ.155, LL.3/Circ.162, LL.3/Circ.194 and LL.3/Circ.208.

6 Application

This Order applies to:

- (a) a regulated Australian vessel; and
- (b) other than Divisions 2 and 6 — a foreign vessel.

7 Exemptions

- (1) An owner of a regulated Australian vessel may apply for an exemption of a vessel from a requirement of this Order in accordance with the application process set out in Division 3 of *Marine Order 1 (Administration) 2013*.

Note For a vessel ordinarily engaged on international voyages, or a vessel intending to undertake a single international voyage, that is seeking an International Load Lines Exemption Certificate in accordance with paragraph (2) or (4) of Article 6 of the Load Lines Convention — see Division 2.

- (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) the exemption would be consistent with the Load Lines Convention.

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.
- (3) An exemption is subject to any conditions AMSA imposes to ensure the safety of the vessel.

Note The owner of a vessel should attach a copy of an exemption to the record of conditions of assignment of load lines carried on board the vessel.

- (4) The owner of a vessel must comply with any conditions mentioned in subsection (3).

8 Equivalentents

- (1) A person may apply, in accordance with the application process set out in Division 3 of *Marine Order 1 (Administration) 2013*, for approval to use an equivalent on a regulated Australian vessel.

Note For definitions of *equivalent* and *use* — see section 6 of *Marine Order 1 (Administration) 2013*.

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- (2) AMSA may approve use of an equivalent only if satisfied that use of the equivalent would be at least as effective as compliance with the requirement to which the equivalent is an alternative.

Division 2 Certificates issued under the Navigation Act

Subdivision 2.1 Various matters about certificates

9 Certificates required

- (1) For subsection 98(3) of the Navigation Act (which enables the regulations to provide that specified kinds of vessels are required to have specified safety certificates), a regulated Australian vessel to which the Load Lines Convention applies, or would apply if engaged on an international voyage, must have an International Load Lines 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.

- (2) However, a vessel mentioned in subsection (1) that is exempted in accordance with paragraph (2) or (4) of Article 6 of the Load Lines Convention must have an International Load Lines Exemption Certificate.

10 Applying for certificates

- (1) For subsection 99(1) of the Navigation Act (which enables a person to apply to an issuing body for a safety certificate specified in the regulations), the following certificates are specified:
 - (a) an International Load Lines Certificate;
 - (b) an International Load Lines Exemption Certificate.
- (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 safety certificates because those decisions are reviewable under subsection 313(1) of the Navigation Act.

11 Commencement and duration of certificates

- (1) An International Load Lines Certificate comes into force, and ceases to be in force, in accordance with paragraphs (1), (2) and (7) of Article 19 of the Load Lines Convention.
- (2) An International Load Lines Exemption Certificate comes into force, and ceases to be in force, in accordance with paragraph (10) of Article 19 of the Load Lines Convention.

12 Variation of certificates

For section 101 of the Navigation Act, the criteria for variation of an International Load Lines Certificate or an International Load Lines Exemption Certificate are that:

- (a) the vessel has been surveyed in accordance with subparagraph (1)(c) of Article 14 of the Load Lines Convention; and

- (b) to the extent that the variation relates to matters mentioned in paragraphs (3), (4), (5), (6) and (8) of Article 19 of the Load Lines Convention — the variation is in accordance with that regulation.

Note for paragraph (b) A variation may be in the form of an endorsement on a certificate.

13 Criteria for the revocation of certificates

For section 102 of the Navigation Act, the criteria for revocation of a certificate are that:

- (a) the hull or superstructures of the vessel are altered to the extent that assignment of increased freeboard is required; or
- (b) the structural strength of the vessel has been lowered to the extent that the vessel is unsafe; or
- (c) a condition of the certificate has been breached; or
- (d) a condition of exemption has been breached; or
- (e) the vessel to which the certificate applies ceases to be registered in Australia; or
- (f) the owner of the vessel asks in writing that the vessel's certificate be revoked; or
- (g) the certificate contains incorrect information.

Subdivision 2.2 International Load Lines Certificates

14 Criteria for issue of an International Load Lines Certificate

For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of an International Load Lines Certificate are that:

- (a) the vessel has completed the initial or renewal survey mentioned in Article 14 of the Load Lines Convention; and
- (b) freeboards have been assigned in accordance with Annex I of the Load Lines Convention; and
- (c) the vessel has a record of the conditions of assignment of load lines in the form set out on LL.3/Circ.19 as published by the IMO.

Note 1 IMO Resolution A.1053(27) *Survey guidelines under the harmonised system of survey and certification (HSSC), 2011*, as in force from time to time, is relevant to the survey of the vessel.

Note 2 If a regulated Australian vessel is not required to have a certificate mentioned in section 9, the owner may apply for and be issued a certificate if the vessel meets the requirements mentioned in this section.

Note 3 The form of the record of the conditions of assignment of load lines is published by the IMO as Part 6 in *Load lines — International Convention on Load Lines, 1966 and Protocol of 1988, as amended in 2003*, Consolidated Edition, 2005.

15 Conditions on an International Load Lines Certificate

For paragraph 100(2)(a) of the Navigation Act, an International Load Lines Certificate is subject to the following conditions:

- (a) fittings and appliances, mentioned in subparagraph (1)(c) of Article 14 of the Load Lines Convention, are maintained in effective condition;
- (b) deck line and load line marks are correctly and permanently indicated in accordance with the Load Lines Convention;

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- (c) for a passenger vessel to which SOLAS applies — subdivision load line marks are correctly and permanently indicated in accordance with regulation 18 of Chapter II-I of SOLAS;
- (d) the vessel is marked with draft marks in accordance paragraph 6 of regulation 5 of Chapter II-I of SOLAS;
- (e) annual surveys are completed in accordance with subparagraph (1)(c) of Article 14 of the Load Lines Convention and endorsed on the International Load Lines Certificate;
- (f) after any survey has been completed, any change to the structure, equipment, arrangements, material or scantlings covered by survey must be approved by an issuing body.

16 Endorsement on an International Load Lines Certificate

For section 15, an endorsement on an International Load Lines Certificate must be made by an issuing body.

Note It is practice for an issuing body endorsing a certificate to be the same as the issuing body that originally issued the certificate.

Subdivision 2.3 International Load Lines Exemption Certificates

17 Criteria for issue of an International Load Lines Exemption Certificate

For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of an International Load Lines Exemption Certificate are that:

- (a) for a vessel that has features of novel kind — the initial or renewal survey mentioned in Article 14 of the Load Lines Convention, has been completed; and
- (b) for a vessel that is to undertake a single international voyage — AMSA is satisfied that the vessel complies with safety requirements that are adequate for the voyage to be undertaken.

Note for paragraph (b) An owner may be required to provide evidence of statutory surveys and certification in force for the vessel.

18 Conditions on an International Load Lines Exemption Certificate

For paragraph 100(2)(a) of the Navigation Act, an International Load Lines Exemption Certificate is subject to the condition that annual surveys for vessels mentioned in paragraph 17(1)(a) are to be completed and endorsed on the certificate in accordance with subparagraph (1)(c) of Article 14 of the Load Lines Convention.

19 Endorsement on an International Load Lines Exemption Certificate

For section 18, an endorsement on an International Load Lines Exemption Certificate must be made by an issuing body.

Note It is practice for an issuing body endorsing a certificate to be the same as the issuing body that originally issued the certificate.

Division 3 Requirements for foreign vessels

20 Certificates required for foreign vessels

A foreign vessel to which the Load Lines Convention applies must have on board any certificate that it is required to have under Article 3 of the Load Lines Convention.

Note It is an offence under sections 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.

21 Requirements for foreign vessels

- (1) A foreign vessel to which the Load Lines Convention applies must:
 - (a) have load lines marked in accordance with any International Load Lines Certificate in force for the vessel; and
 - (b) have a record of the conditions of assignment of load lines in the form set out on LL.3/Circ.19 as published by the IMO; and
 - (c) maintain in an effective condition its fittings and appliances for the protection of openings, guard rails, freeing ports and means of access to the crew's quarters; and
 - (d) not have its hull or superstructures materially altered without the assignment of freeboard being increased since the issue of any International Load Lines Certificate in force for the vessel; and
 - (e) comply with any conditions imposed by any Load Lines Exemption Certificate in force for the vessel.
- (2) A foreign vessel to which the Load Lines Convention does not apply must:
 - (a) be marked in accordance with the requirements of the Administration of the country where the vessel is registered; and
 - (b) have certificates or documentation required by the Administration of the country where the vessel is registered.

Division 4 Information requirements

22 Loading stress information

- (1) The master or the owner of a vessel must not take the vessel to sea if the following is not on board the vessel:
 - (a) for a regulated Australian vessel — loading stress information mentioned in paragraph (1) of regulation 10 of Annex I to the Load Lines Convention if approved by an issuing body; and
 - (b) for a foreign vessel — loading stress information mentioned in paragraph (1) of regulation 10 of Annex I to the Load Lines Convention if approved by the Administration of the country where the vessel is registered.

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.

Note 1 Stability information requirements are also mentioned in regulation 5 of Chapter II-1 of SOLAS for vessels to which SOLAS applies.

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Note 2 Loading stress information will require re-approval if the vessel undergoes structural modification.

- (4) For paragraph (1)(a), a **loading instrument** includes a computer and any associated computer program:
- (a) for a regulated Australian vessel — approved by an issuing body; and
 - (b) for a foreign vessel — approved by the Administration of the country in which the vessel is registered.

23 Stability information

- (1) The master or the owner of a vessel must not take the vessel to sea if the following is not on board the vessel:
- (a) for a regulated Australian vessel — stability information mentioned in *Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2009*; and
 - (b) for a foreign vessel — stability information mentioned in paragraph (3) of Regulation 10 of Annex I to the Load Lines Convention that is approved by the Administration of the country in which the vessel is registered.

Note for paragraph (b) For a vessel to which SOLAS does not apply, paragraph (3) of Regulation 10 of Annex I requires approved stability information to be on board for use of the master. For a vessel to which SOLAS does apply, regulation 5 of Chapter II-1 details weight survey, inclining test and stability information requirements.

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).
- Penalty: 50 penalty units.

Division 5 Vessels not to be overloaded

24 The meaning of *overloaded*

- (1) This section sets out the circumstances in which a vessel is overloaded for paragraph 23(b) of the Navigation Act.

Note It is an offence under section 109 of the Navigation Act if an unseaworthy vessel is taken to sea.

- (2) A vessel, other than a passenger vessel, is overloaded if:
- (a) 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; or
 - (b) the vessel is engaged on, or is about to engage on, a voyage during which a load line, other than the appropriate load line, would:
 - (i) become the appropriate load line (the **second load line**) during the voyage; and
 - (ii) 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.

Note The fuel and other material that would normally be consumed or discharged before the second load line became the appropriate load line may be taken into account.

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- (3) A passenger vessel is overloaded if 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.
- (4) For this section, the *appropriate load line* or *appropriate subdivision load line* is determined in accordance with section 25.

25 Appropriate load line

- (1) For a regulated Australian vessel to which the Load Lines Convention applies, or would apply if engaged on an international voyage, the appropriate load line is the load line marked on the vessel, in accordance with the Load Lines Convention, that applies to the season of the year and the zone in which the vessel is located.
- (2) For a foreign vessel, the appropriate load line is:
 - (a) if the Load Lines Convention applies — the load line marked on the vessel, in accordance with the Load Lines Convention, that applies to the season of the year and the zone in which the vessel is located; or
 - (b) if the Load Lines Convention does not apply:
 - (i) if the vessel is marked in accordance with the Load Lines Convention — the load line that applies to the season of the year and the zone in which the vessel is located; or
 - (ii) if the vessel is marked in any other manner — the load line that is required by the Administration of the country where the vessel is registered or, if that load line cannot be ascertained, the lowest load line marked on the vessel.
- (3) For a passenger vessel, the appropriate subdivision load line is:
 - (a) if only 1 subdivision load line is marked on the vessel — that subdivision load line; or
 - (b) the lowest subdivision load line, if:
 - (i) more than 1 subdivision load line is marked on each side of the vessel; and
 - (ii) passengers are at any time being carried in the spaces mentioned for a subdivision load line in a certificate, mentioned in subsection (5), for the vessel; or
 - (c) the subdivision load line approved by:
 - (i) for a regulated Australian vessel — an issuing body;
 - (ii) for a foreign vessel — the Administration of the country where the vessel is registered.
- (4) For a regulated Australian vessel not mentioned in subsection (1), the appropriate load line is the design waterline corresponding to the maximum full load displacement (in tonnes).
- (5) For subsection (3), the certificate is:
 - (a) for a regulated Australian vessel — the passenger ship safety certificate or the certificate of survey for a passenger ship issued to the vessel in accordance with *Marine Order 31 (Ships surveys and certification) 2006*; or

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- (b) for a foreign vessel to which SOLAS applies — the passenger ship safety certificate issued to the vessel in accordance with Regulation 12 of Chapter I of SOLAS.

Division 6 Other matters

26 Entries to be made in the official logbook

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

27 Notifying alterations

For paragraph 105(1)(c) of the Navigation Act, AMSA and the issuing body must be informed of an alteration to a vessel before it is made.

28 Marking requirements for regulated Australian vessels

- (1) The master and owner of a regulated Australian vessel to which the Load Lines Convention applies, or would apply if engaged on an international voyage, must not take it to sea if:
- (a) the vessel is not marked, in the position specified in its Load Lines Certificate, with a deck line and load line; and
 - (b) for a passenger vessel to which SOLAS applies — a subdivision load line is not marked in accordance with regulation 18 of Chapter II-I of SOLAS; and
 - (c) the vessel is not marked with draft marks in accordance with paragraph 6 of regulation 5 of Chapter II-I of SOLAS.
- 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).
Penalty: 50 penalty units.

29 Minimum bow height

For regulation 39(3) of Annex I to the Load Lines Convention, AMSA may determine a lesser bow height if satisfied the safety of the vessel and any person on board will not be adversely affected.

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>.