



Australian Government
Australian Maritime Safety Authority

AMSA MO 2014/18

Marine Order 508 (National law amendment) 2014

I, Michael Kinley, Chief Executive Officer of the Australian Maritime Safety Authority, (the National Marine Safety Regulator under section 9 of the *Marine Safety (Domestic Commercial Vessel) National Law*), make this Order under subsection 163(1) of the *Marine Safety (Domestic Commercial Vessel) National Law*.

24 November 2014

Michael Kinley
Chief Executive Officer

1 Name of Order

This Order is *Marine Order 508 (National law amendment) 2014*.

2 Commencement

This Order commences the day after it is registered.

3 Amendment of Marine Orders

Each Order mentioned in the title of a Schedule to this Order is amended in accordance with the Schedule.

Schedule 1 Marine Order 501 (Administration — national law) 2013

(section 3)

[1] Subsection 4(6)

substitute

- (6) Subsection 159(2) of the national law provides for regulations to be made prescribing standards for the national law.
- (7) Subsection 163(1) of the national law provides that the National Regulator (AMSA) may make a Marine Order for any matter for which provision must or may be made by regulations, other than for matters mentioned in the subsection.

[2] After section 6

insert

6A Standards

For subsection 159(2) of the national law, the following standards are prescribed:

- (a) NSAMS;
- (b) NSCV Parts B, C, D, E, F and G;
- (c) USL Code.

[3] Schedule 1, Division 2

omit each occurrence of

12

insert

10

[4] Schedule 1, Division 2

omit each occurrence of

60

insert

50

Schedule 2 Marine Order 503 (Certificates of survey — national law) 2013

(section 3)

[1] Subsection 4(4)

substitute

- (4) Subsection 159(5A) of the national law provides for regulations to be made for the conduct of the survey of vessels.

[2] Paragraphs 8(a) and (b)

substitute

- (a) for an existing vessel — the following standards applied in accordance with Section 4 of NSAMS or the survey process that applied to the vessel when the vessel was last surveyed before 1 July 2013:
- (i) the construction, subdivision and stability standards that applied to the vessel when the vessel was last surveyed before 1 July 2013;
 - (ii) the equipment standards that applied to the vessel on 30 June 2013; or
- (b) for a new vessel — the following standards applied in accordance with Section 4 of NSAMS:
- (i) the NSCV other than Part C Section 2;
 - (ii) USL Code Section 5, subsection C, clauses C.42 to C.47, C.49 to C.53, C.54.2, C.55 to C.57, C.61.1, C.61.2a, C.61.3, C.61.3a, C.61.4, C.61.5, C.67, C.68, C.69.1 to C.69.6 and C.70 to C.73;
 - (iii) USL Code Section 5, subsection D, clauses D.9 to D.15 and D.18 to D.36;
 - (v) USL Code Section 7; or
- (c) for a new vessel previously issued a certificate of survey under the national law:
- (i) the construction, subdivision and stability standards that applied to the vessel when the vessel was first issued a certificate of survey under the national law; and
 - (ii) the equipment standards mentioned in paragraph (b).

[3] Paragraph 11(1)(b)

omit

Regulator or

insert

Regulator, an accredited marine surveyor or

[4] Paragraph 11(1)(c)

omit

or

insert

an accredited marine surveyor or

[5] After subsection 11(1)

insert

- (1A) However, for paragraph 1(b), after 31 December 2015 the survey must be conducted by the National Regulator or an accredited marine surveyor.

[6] Paragraph 14(c)

substitute

- (c) after any periodic survey of the vessel, the owner must give to the National Regulator a report setting out the condition of the vessel and the extent of its compliance with the standard that applies to the vessel;

[7] Other amendments

<i>Provision</i>	<i>omit</i>	<i>insert</i>
Subsection 16(2)	subsection 40(2)	paragraph 40(2)(a)
Subsection 17(2)	paragraph 41(2)(b)	subsection 41(2A)
Subsection 17(2), note	paragraph 41(2)(a)	subsection 41(2)
Subsection 19(2)	subsection 42(2)	paragraph 42(2)(a)

Schedule 3 Marine Order 504 (Certificates of operation — national law) 2013

(section 3)

[1] Subsections 4(4), (5) and (6)

substitute

- (4) Subsection 163(1) of the national law provides for the making of Marine Orders about matters that can be made by the regulations.
- (5) Section 164 of the national law enables a Marine Order to provide for the application, adoption or incorporation of any matter in any written instrument in force or existing from time to time including the NSCV.

[2] Section 6, definitions of *National Standard for General Safety Requirements for Vessels* and *NSCV Part E*

omit

[3] Division 3

omit

[4] Other amendments

<i>Provision</i>	<i>omit</i>	<i>insert</i>
Subparagraph 11(1)(e)(ii)	Part E of the NSCV	NSCV Part E
Subsection 11(2)	qualification under <i>Marine Order 3 (Seagoing qualifications) 2004</i>	seafarer certificate issued under the <i>Navigation Act 2012</i>
Subsection 14(2)	subsection 50(2)	paragraph 50(2)(a)
Subsection 15(2)	paragraph 51(2)(b)	subsection 51(2A)
Subsection 15(2), note	paragraph 51(2)(a)	subsection 51(2)
Subsection 17(2)	subsection 52(2)	paragraph 52(2)(a)

Schedule 4 Marine Order 505 (Certificates of competency — national law) 2013

(section 3)

[1] Subsection 4(3), (4) and (5)

substitute

- (3) Subsection 163(1) of the national law provides for the making of Marine Orders about matters that can be made by the regulations.
- (4) Section 164 of the national law enables a Marine Order to provide for the application, adoption or incorporation of any matter in any written instrument in force or existing from time to time including the NSCV.

[2] Section 5, definition of *NSCV Part D*

omit

[3] Section 6

omit

[4] Paragraph 12(d)

after

conditions

insert

and endorsements

[5] Other amendments

<i>Provision</i>	<i>omit</i>	<i>insert</i>
Subsection 17(2)	subsection 62(2)	paragraph 62(2)(a)
Subsection 18(2)	paragraph 63(2)(b)	subsection 63(2A)
Subsection 18(2), note	paragraph 63(2)(a)	subsection 63(2)
Paragraph 18A(1)(a)	paragraph 63(2)(a)	subsection 63(2)
Paragraph 18A(1)(b)	paragraph 63(2)(a)	subsection 63(2)
Paragraph 18A(1)(c)	paragraph 63(2)(b)	subsection 63(2A)
Section 18A(1), note 1	paragraph 63(2)(b) (occurring twice)	subsection 63(2A)
Subsection 19(2)	subsection 64(2)	paragraph 64(2)(a)

Schedule 5 Marine Order 507 (Load line certificates — national law) 2013

(section 3)

[1] Section 6, definition of *load line certificate*

omit

under the Load Lines Convention.

insert

issued under section 8.

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>.