



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

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AMSA MO 2016/3

**Marine Order 57 (Helicopter operations) 2016**

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

4 April 2016

**Michael Kinley**  
Chief Executive Officer

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## Division 1 Preliminary

### 1 Name of Order

This Order is *Marine Order 57 (Helicopter operations) 2016*.

### 1A Commencement

This Order commences on 1 May 2016.

### 1B Repeal of *Marine Order 57 (Helicopter operations) 2010*

*Marine Order 57 (Helicopter operations) 2010* is repealed.

### 2 Purpose

This Order provides for safe vessel-helicopter operations.

*Note 1* Vessel-helicopter operations include the transfer of persons between a vessel and a helicopter and the loading or unloading of a vessel by helicopter — see section 4, definition of *vessel-helicopter operation*.

*Note 2* A helicopter used in a vessel-helicopter operation is subject to civil aviation legislation administered by Civil Aviation Safety Authority.

### 3 Power

- (1) The following provisions of the Navigation Act provide for this Order to be made:
  - (a) subsection 112(1) which provides that the regulations may provide for the carriage of passengers;
  - (b) subsection 112(4) which provides that the regulations may provide for the carriage on a vessel of cargo;
  - (c) subsection 125(1) which provides that the regulations may provide for musters, drills, checks of machinery and equipment and other tests;
  - (d) subsection 341(1) which provides that the regulations may provide for the imposition of penalties for a contravention of a provision of the regulations;
  - (e) subsection 342(4) which provides that a Marine Order may provide for a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other document as in force or existing at a particular time or from time to time.
- (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 a Marine Order about matters that can be provided for by regulation.

### 4 Definitions

In this Order:

**ICS Guide** means the *Guide to Helicopter/Ship Operations*, 4<sup>th</sup> Edition (2008), published by Marisec Publications, London, on behalf of the International Chamber of Shipping.

*Note* Information on purchasing or obtaining access to the ICS Guide is available from the AMSA website Marine Orders link at <http://www.amsa.gov.au>.

**helicopter operator** means the person, organisation or enterprise making a helicopter available to a helicopter pilot for a flight.

**landing area** has the meaning given by paragraph 4.1.1(a) of the ICS Guide.

**seafarer training**, for a vessel–helicopter operation, means training in the kind of operation to be conducted and includes drills.

**SMS** means safety management system.

**vessel–helicopter operation** means any of the following operations:

- (a) the transfer of a good or person between a vessel and a helicopter;
- (b) the loading or unloading of a vessel by a helicopter;
- (c) the landing of a helicopter on a vessel or the taking off of a helicopter from a vessel;
- (d) refuelling of a helicopter on a vessel.

**winching area** has the meaning given by paragraph 4.1.1(b) of the ICS Guide.

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

- Navigation Act.

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

- inspector
- master
- owner
- regulated Australian vessel
- seafarer.

## 5 Application

This Order applies to the following vessels:

- (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.

## Division 2 Safe arrangements

### 6 Vessel arrangements

- (1) The master of a vessel may permit a vessel–helicopter operation to be conducted for the vessel only if there are in place for the vessel arrangements that:
  - (a) provide for emergency evacuation of people from the vessel; and
  - (b) do not interfere with the normal operations of the vessel; and
  - (c) are at least as effective in ensuring safety as the arrangements recommended in the ICS Guide for the kind of vessel–helicopter operations to be conducted.

Penalty: 50 penalty units.

- (2) The arrangements mentioned in subsection (1) must include:
- (a) the equipment necessary for the safe conduct of the vessel–helicopter operation; and
  - (b) seafarer training on non-emergency and emergency procedures for the vessel–helicopter operation.

*Note* Seafarer training includes drills — see section 4, definition of *seafarer training*.

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

Civil penalty: 50 penalty units.

*Note* A person is not criminally responsible for an offence if the conduct constituting the offence is a reasonable response to an emergency — see Section 10.3 of the *Criminal Code Act 1995*. This may apply, for example, in medical or other emergencies where it is necessary to evacuate a person requiring urgent medical attention or embark medical or other emergency personnel.

## 7 Owner's SMS responsibilities

- (1) The owner of a vessel must ensure that the arrangements for the vessel mentioned in subsection 6(1) are included in the vessel's safety management system.

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* The ICS Guide may provide useful background information for the owner when developing the safety management system for the vessel.

*Note 2* See *Marine Order 58 (Safe management of vessels) 2015* and *Marine Order 31 (Vessel surveys and certification) 2015* for safety management system requirements for vessels.

## 8 Master's responsibilities for SMS instruction, equipment and training

- (1) The master of a vessel must ensure that:
- (a) the vessel's seafarers are given instructions about their responsibilities for the implementation of the vessel's safety management system; and
  - (b) the equipment mentioned in paragraph 6(2)(a) is accessible and maintained in working order; and
  - (c) the seafarer training mentioned in paragraph 6(2)(b) is carried out.

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.

## 9 Seafarers' responsibility to carry out SMS instructions

- (1) A seafarer must carry out the instructions mentioned in paragraph 8(1)(a) that are given to the seafarer.

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.

## 10 Determination of landing or winching area

- (1) The owner of a vessel must:
- (a) determine the location and size of a landing or winching area for a vessel that is, to the extent that is practical, in accordance with the dimensions and obstacle free zones recommended in the ICS Guide for the kind of area; and
  - (b) before a vessel–helicopter operation commences — document any divergence from the recommendations in the ICS Guide on determining a landing or winching area.
- (2) However, in an emergency the master instead of the owner may make the determination mentioned in paragraph (1)(a).
- (3) The master must ensure that any divergence from the recommendations in the ICS Guide on determining a landing or winching area for a vessel–helicopter operation is clearly communicated to the helicopter pilot before the vessel–helicopter operation commences.

## 11 Marking of obstacles in landing or winching area

- (1) The master of a vessel must ensure that any obstacle within the landing or winching area is clearly marked if it does not comply with the recommendations for obstacles in the ICS Guide.  
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.

## 12 Load information about deck surface

- (1) The owner of a vessel on which a helicopter is likely to land must ensure that there is available on the vessel information relating to the ability of any deck surface of the vessel to withstand the static and dynamic loads imposed by a helicopter landing on that surface.

Penalty: 50 penalty units.

*Note* The information mentioned in this provision is generally provided by, or based on criteria provided by, the recognised organisation carrying out the vessel's surveys.

- (2) The master of a vessel must ensure that any information mentioned in subsection (1) that is provided by the owner is given:
- (a) to the pilot of each helicopter that may land on the vessel; and
  - (b) if requested by an inspector — to the inspector; and
  - (c) if requested by any other person with an interest in the safe operation of a helicopter on the vessel — to the person.

Penalty: 50 penalty units.

*Note* The master may organise for the agent of the owner of the vessel to provide the information.

- (3) The master of a vessel must not authorise the pilot of a helicopter to land on any deck surface that cannot withstand the static and dynamic loads imposed by a helicopter landing on that surface.

Penalty: 50 penalty units.

- (4) An offence against subsection (1), (2) or (3) is a strict liability offence.

- (5) A person is liable to a civil penalty if the person contravenes subsection (1), (2) or (3).

Civil penalty: 50 penalty units.

### **13 Communications**

The master of a vessel must, when preparing for and conducting a vessel–helicopter operation, communicate to the helicopter operator or helicopter pilot any information necessary for the safe conduct of the operation, including the details of the landing or winching area.

*Note* The ICS Guide contains comprehensive advice on information exchange.

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#### **Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislation kept under the *Legislation Act 2003*. See <https://www.legislation.gov.au>.