



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

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AMSA MO 2016/12

**Marine Order 30 (Prevention of collisions) 2016**

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

14 July 2016

**Gary Prosser**  
Acting Chief Executive Officer

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	Page
1 Name of Order .....	3
1A Commencement .....	3
1B Repeal of <i>Marine Order 30 (Prevention of collisions) 2009</i> .....	3
2 Purpose .....	3
3 Power .....	3
4 Definitions .....	3
5 Application .....	4
6 Exemptions .....	4
7 Review of decisions .....	4
8 Approvals .....	4
9 Requirements of International Regulations .....	5

## 1 Name of Order

This Order is *Marine Order 30 (Prevention of collisions) 2016*.

### 1A Commencement

This Order commences on 1 August 2016.

### 1B Repeal of *Marine Order 30 (Prevention of collisions) 2009*

*Marine Order 30 (Prevention of collisions) 2009* is repealed.

## 2 Purpose

This Order gives effect to the Prevention of Collisions Convention, which sets out, for the prevention of collisions, internationally agreed measures for the navigation, management and working of a vessel, and the lights and signals to be provided and used on a vessel.

## 3 Power

- (1) The following provisions of the Navigation Act provide for this Order to be made:
  - (a) subsection 176(1) which provides that the regulations may provide for requirements for the prevention of collisions, and for provision and use of lights and signals on vessels;
  - (b) subsection 176(2) and paragraph 340(1)(b) which provide that the regulations may give effect to the Prevention of Collisions 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 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:

***International Regulations*** means the Rules and Annexes constituting the International Regulations for Preventing Collisions at Sea, 1972, attached to the Prevention of Collisions Convention, as in force from time to time.

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

- IMO.

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

- AMSA
- issuing body
- Marine Order
- master
- owner
- Prevention of Collisions Convention
- regulated Australian vessel.

*Note 3* Information on obtaining copies of any IMO Resolution, IMO document or other document that is mentioned in this Order is available from the AMSA website Marine Orders link 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 Application

- (1) This Order applies to each of the vessels mentioned in section 175 of the Navigation Act in the areas mentioned in section 175 for the vessel.
- (2) However, sections 6 and 8 do not apply to a foreign vessel.

## 6 Exemptions

- (1) A person may apply to AMSA, in accordance with the application process set out in Division 3 of *Marine Order 1 (Administration) 2013*, for an exemption of a vessel from a requirement of section 9 of this Order for the matters mentioned in paragraphs (c) or (h), or subparagraph (d)(i) of Rule 38 of the International Regulations.
- (2) AMSA may give the exemption only if satisfied that giving the exemption would not contravene the International Regulations.

*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.

## 7 Review of decisions

The following are reviewable decisions for section 17 of *Marine Order 1 (Administration) 2013*:

- (a) a decision not to give, or a decision to revoke, an approval under section 8;
- (b) a determination made under subsection 9(6).

*Note* A decision not to give an exemption under section 6 is also a reviewable decision for section 17 of *Marine Order 1 (Administration) 2013* because it is mentioned in section 15 of the Order.

## 8 Approvals

- (1) A person may apply to an issuing body for an approval mentioned in the International Regulations in:
  - (a) paragraph 14 of Annex I; or
  - (b) paragraph 3 of Annex III.
- (2) An issuing body may give an approval mentioned in paragraph 14 of Annex I only if satisfied that the construction of lights and shapes and the installation of lights on board the vessel are in accordance with the International Regulations.
- (3) An issuing body may give an approval mentioned in paragraph 3 of Annex III only if satisfied that the construction of sound signal appliances, their performance and their installation on board the vessel are in accordance with the International Regulations.
- (4) An issuing body may revoke an approval given under subsection (2) or (3) only if it is no longer satisfied as mentioned in the subsection under which the approval was given.

## 9 Requirements of International Regulations

- (1) The measures required by the International Regulations in the navigation, management and working of a vessel for the prevention of collisions must be observed in the operation of a vessel.

*Note* It is an offence for the owner or master of a vessel to operate a vessel or cause or permit another person to operate a vessel, in contravention of regulations made for section 176 of the Navigation Act — see sections 177 and 178 of the Navigation Act.

- (2) The lights and signals required by the International Regulations must be provided and used on a vessel.
- (3) Navigation lights, navigation light controllers and associated equipment, installed after 30 November 2009 on the following vessels, must conform to performance standards at least equal to those mentioned in the Annex to IMO Resolution MSC.253(83) *Adoption of the performance standards for navigation lights, navigation light controllers and associated equipment*, as in force from time to time:
  - (a) a regulated Australian vessel;
  - (b) a domestic commercial vessel;
  - (c) a recreational vessel that has Australian nationality.
- (4) The traffic separation schemes mentioned in the latest edition of the IMO publication *Ships' Routeing* are taken to be traffic separation schemes adopted by the IMO for the International Regulations.

*Note* As at 1 August 2016, the latest edition of *Ships' Routeing* was the 2015 edition.

- (5) The areas designated in the latest edition of the IMO publication *Ships' Routeing* as inshore traffic zones are taken to be inshore traffic zones for the International Regulations.
- (6) AMSA may make a determination for a vessel under Rule 1(e) of the International Regulations including about the closest possible compliance for the vessel with the International Regulations.

*Note* In exercising its power to make a determination, AMSA will take into account MSC/Circ.1144 *Additional guidance for the uniform application of Rule 1(e) of the International Regulations for Preventing Collisions at Sea, 1972, as amended*. That Circular invites member governments to take into account problems posed to other vessels and to grant an exemption only in extraordinary circumstances.

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### Note

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