



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

---

AMSA MO 2018/8

**Marine Order 503 (Certificates of survey — national law) 2018**

---

I, Gary Prosser, Acting 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*.

7 June 2018

**Gary Prosser**  
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 503 (Certificates of survey — national law) 2017</i> .....	3
2 Determinations .....	3
3 Approvals .....	3
<b>Division 2 Requirements for certificates of survey .....</b>	<b>3</b>
4 Application for certificate .....	3
5 Survey standards .....	3
6 Persons conducting surveys .....	4
7 Vessel and equipment standards — vessels not surveyed by recognised organisation .....	4
8 Vessel and equipment standards — vessels surveyed by recognised organisation .....	6
9 Issue of certificate .....	6
10 Renewal of certificate .....	7
11 Conditions on certificate .....	8
12 Duration of certificate .....	9
<b>Division 3 Variation, suspension and revocation of certificates of survey .....</b>	<b>9</b>
13 Application for variation, suspension or revocation of certificate .....	9
14 Criteria for variation of certificate .....	9
15 Suspension of certificate .....	10
16 Criteria for revocation of certificate .....	11
<b>Division 4 Equivalent means of compliance .....</b>	<b>11</b>
17 Approval of equivalent means of compliance .....	11
18 Application for equivalent means of compliance .....	11
19 Revocation of equivalent means of compliance .....	12
20 Duration of equivalent means of compliance .....	12
<b>Division 5 Definitions and transitional .....</b>	<b>12</b>
21 Definitions and interpretation .....	12
22 Existing vessel, transitional vessel and new vessel — meaning .....	14
23 Transitional .....	15
<b>Schedule 1 Vessel changes .....</b>	<b>16</b>
<b>Schedule 2 Standards for transitional vessels .....</b>	<b>18</b>
<b>Schedule 3 Periodic survey for vessels .....</b>	<b>22</b>

## Division 1 Preliminary

### 1 Name of Order

This Order is *Marine Order 503 (Certificates of survey — national law) 2018*.

### 1A Commencement

This Order commences on 1 July 2018.

### 1B Repeal of *Marine Order 503 (Certificates of survey — national law) 2017*

*Marine Order 503 (Certificates of survey — national law) 2017* is repealed.

## 2 Determinations

- (1) A person may apply, in accordance with Marine Order 501, for a determination mentioned in the National Law – Marine Surveyors Accreditation Guidance Manual 2014 that is specified to be made by the National Regulator.
- (2) The National Regulator may make a determination subject to conditions.

## 3 Approvals

- (1) A person may apply, in accordance with Marine Order 501, for an approval mentioned in the National Law – Marine Surveyors Accreditation Guidance Manual 2014 that is specified to be made by the National Regulator.
- (2) The National Regulator may give an approval subject to conditions.

## Division 2 Requirements for certificates of survey

### 4 Application for certificate

- (1) For subsection 37(2) of the national law, an application for a certificate of survey for a domestic commercial vessel must be made in accordance with section 9 of Marine Order 501.

*Note* Giving false or misleading information in an application is an offence — see section 136.1 of the Criminal Code.

- (2) Division 3 (other than section 13) of Marine Order 501 applies to an application for a certificate of survey.

### 5 Survey standards

- (1) This section prescribes the standards for the survey of a domestic commercial vessel that must be conducted by a person mentioned in section 6.
- (2) An initial survey, periodic survey or renewal survey must be conducted in accordance with Part 2 of the National Law – Marine Surveyors Accreditation Guidance Manual 2014.

*Note* Plan approval is required to be obtained before construction of a vessel commences — see National Law – Marine Surveyors Accreditation Guidance Manual 2014.

## 6 Persons conducting surveys

- (1) The survey of a vessel (other than an electrical survey) must be conducted by:
  - (a) the National Regulator; or
  - (b) an accredited marine surveyor who is accredited to perform the category or categories of survey undertaken; or
  - (c) a recognised organisation.
- (2) A vessel that is  $\geq 35$  m must be surveyed by a recognised organisation in accordance with Chapter 5 of Part 2 of the National Law – Marine Surveyors Accreditation Guidance Manual 2014 unless:
  - (a) the vessel is an existing vessel or transitional vessel; and
  - (b) the survey process that applied to the vessel when it was last surveyed before 1 July 2013 permitted the vessel to be surveyed by a person other than a recognised organisation.

*Note 1* A vessel mentioned in paragraphs 6(2)(a) and (b) may be surveyed by any person mentioned in subsection 6(1).

*Note 2* The Marine Surveyors Accreditation Guidance Manual requires those aspects of the vessel that are built to class rules to be surveyed by a recognised organisation. This includes the construction, machinery, anchoring equipment and electrical installation aspects of the vessel.

- (3) However, an electrical survey of a vessel must be conducted by:
  - (a) for electrical survey for plan approval — any of the persons mentioned in subsection (1); and
  - (b) for electrical survey other than for plan approval:
    - (i) a person who holds an unrestricted electrical licence; or
    - (ii) an accredited marine surveyor who is accredited to perform electrical surveys.
- (4) A person conducting an electrical survey mentioned in paragraph (3)(b) must give a compliance report to the person conducting the survey of the vessel as soon as practical after the electrical survey is completed unless the person conducted both surveys.

## 7 Vessel and equipment standards — vessels not surveyed by recognised organisation

- (1) This section prescribes the vessel and equipment standards for a domestic commercial vessel that is not surveyed by a recognised organisation.
- (2) For an existing vessel — the standards are:
  - (a) for arrangement, accommodation and personal safety, watertight and weathertight integrity, construction, fire safety, engineering, stability, equipment (other than safety equipment) and associated systems:
    - (i) if the vessel operated before 1 July 2013 — the standards that applied to the vessel on 30 June 2013; and

(ii) if the vessel did not operate before 1 July 2013 — the standards that applied to the vessel when design approval was approved; and

(b) for safety equipment — the standards that apply to the vessel in accordance with the NSCV.

*Note for paragraph (a)* Associated systems include fuel, bilge, exhaust and ventilation systems.

*Note for paragraph (b)* Annex I of NSCV Part C7A applies to existing vessels that are Class 1, 2 or 3. NSCV Part F2 applies to vessels that are Class 4. NSCV Part F1 applies to vessels that are fast craft.

- (3) For a new vessel, the standards for arrangement, accommodation and personal safety, watertight and weathertight integrity, construction, fire safety, engineering, stability, equipment and associated systems are:
- (a) NSCV; and
  - (b) 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; and
  - (c) USL Code Section 5, subsection D, clauses D.9 to D.15 and D.18 to D.36; and
  - (d) USL Code Section 7 or the Load Lines Convention.

*Note 1* The standards mentioned in this subsection are the standards that apply to a new vessel in accordance with the application provision of each standard.

*Note 2* A vessel is taken to meet the required outcomes specified in the NSCV if the vessel meets the deemed to satisfy solutions.

- (4) Despite subsection (3), a new vessel being built as a sister vessel may comply with the standards in force under subsection (3) up to 3 years before the first construction phase survey for the vessel occurs in accordance with Part 2 of the National Law – Marine Surveyors Accreditation Guidance Manual 2014.

*Note* A vessel with the same structural arrangement and scantlings as a vessel previously surveyed in accordance with the national law (the ‘basis’ vessel) may be constructed to the basis vessel’s approved plans for so long as the plan remains in compliance with the current applicable standards, and for a further three years.

- (5) However, for a new vessel, the standards (other than the standards for safety equipment) are those standards that applied to the vessel when it was first issued a certificate of survey or other approval to operate unless:
- (a) a change mentioned in Schedule 1 has occurred; or
  - (b) the vessel has not had a certificate of survey or other approval to operate in force for at least 2 years.

*Note* For arrangement, accommodation and personal safety, watertight and weathertight integrity, construction, fire safety, engineering, stability, equipment (other than safety equipment) and associated systems, the standards for a new vessel are those standards that applied to the vessel when it was first issued a certificate of survey unless a circumstance in paragraph (a) or (b) has occurred. For safety equipment, the standards that apply are the standards mentioned in subsection 7(3), as existing from time to time.

- (6) For a transitional vessel — the standards are either:
  - (a) the standards mentioned in subsection (3); or
  - (b) the standards mentioned in Schedule 2 that apply to the vessel.

**8 Vessel and equipment standards — vessels surveyed by recognised organisation**

- (1) The prescribed vessel and equipment standards for a domestic commercial vessel that is required to be surveyed by a recognised organisation are:
  - (a) for construction, machinery, anchoring equipment and electrical installations — class rules (however described); and
  - (b) for other areas of the vessel — the standards mentioned in section 7 that apply as if the vessel were not surveyed by a recognised organisation.

*Note* A vessel mentioned in subsection 6(2) that is  $\geq 35\text{m}$  in length must be surveyed by a recognised organisation.

- (2) The prescribed vessel and equipment standards for a domestic commercial vessel that elects to be surveyed by a recognised organisation are:
  - (a) if class rules (however described) are applied by the recognised organisation — the standards mentioned in subsection (1);
  - (b) if class rules (however described) are not applied by the recognised organisation — the standards mentioned in section 7 that would apply if the vessel were not surveyed by a recognised organisation.

*Note* A vessel not required to be surveyed by a recognised organisation may be surveyed by any of the persons mentioned in subsection 6(1) including an accredited marine surveyor or recognised organisation.

**9 Issue of certificate**

- (1) For paragraph 38(1)(c) of the national law, the National Regulator is satisfied that:
  - (a) for a vessel that has not had a certificate of survey in force for at least 2 years — the vessel has completed an initial survey; and
  - (b) for a vessel that has had a change mentioned in clause 1, 2, 6(b) or 7 of Schedule 1 — the vessel has completed an initial survey; and
  - (c) for a vessel that has had a change mentioned in clause 3, 4, 5 or 6(a), (e) or (f) of Schedule 1 — the vessel has completed an initial survey for the areas of the vessel affected by the change, as well as a renewal survey for the vessel in accordance with paragraph (d); and
  - (d) for a vessel that has had any other change mentioned in Schedule 1 — the vessel has completed a renewal survey within the 6 months period before application for a certificate of survey.
- (2) For paragraph 38(1)(c) of the national law, the criteria for the issue of a certificate of survey are that:
  - (a) the National Regulator is satisfied that the vessel meets the standards mentioned in this Order that apply to the vessel; and

- (b) the vessel meets the standards for construction and equipment as required by Annex I of MARPOL if the vessel:
  - (i) is a new vessel; and
  - (ii) has not been issued a certificate of survey before 1 July 2018; and
  - (iii) is  $\geq 35\text{m}$  in length; and
  - (iv) is at least 400 GT; and
- (c) if the vessel is fitted with a new engine after 30 June 2018 that is a marine diesel engine with propulsion power  $>130$  kW — the vessel has an EIAPP certificate or an engine international air pollution prevention certificate issued in accordance with Annex VI of MARPOL; and
- (d) if *Marine Order 507 (Load line certificates — national law) 2018* applies to the vessel — the vessel has a load line certificate or the National Regulator is satisfied that the vessel will obtain a load line certificate.

*Note 1* An application for a certificate must be made in accordance with section 4 and be accompanied by any prescribed fee.

*Note 2* For the issue of a certificate of survey, if a standard is not met, a vessel must have an approved equivalent means of compliance — see Division 4 for the requirements concerning application and approval of an equivalent means of compliance.

- (3) However, to the extent that an equivalent means of compliance approved under section 17 and in effect for the vessel replaces the standards mentioned in this Order that apply to the vessel, the National Regulator must be satisfied that the vessel meets the equivalent means of compliance.

## 10 Renewal of certificate

- (1) The National Regulator may renew a certificate of survey if:
  - (a) the application for renewal of a certificate of survey has been made in the approved form and accompanied by any prescribed fee; and
  - (b) the vessel has had a certificate of survey in force within the 2 year period before the application for the renewal of a certificate of survey; and
  - (c) the vessel has not had a change mentioned in Schedule 1; and
  - (d) the vessel has completed a renewal survey, either:
    - (i) for a vessel that has a certificate of survey in force — within the 6 month period before the certificate of survey ceases to be in force; and
    - (ii) for a vessel that does not have a certificate of survey in force — within the 6 month period before application for a certificate of survey; and
  - (e) the vessel meets the criteria specified in subsections 9(2) and 9(3) for the issue of a certificate.

- (2) A decision to refuse to renew a certificate of survey is a reviewable decision for sections 16 and 17 of Marine Order 501.

*Note* A certificate of survey which has expired is no longer in force. If the vessel's certificate of survey has expired, the vessel must not be operated until the certificate has been renewed. An application made 2 years or more after the certificate expiring would be an application made under section 9.

## **11 Conditions on certificate**

- (1) If there is not in effect an equivalent means of compliance approved under section 17, a certificate of survey is subject to the following conditions:
- (a) the vessel must complete a periodic survey in accordance with the frequency mentioned in Schedule 3;
  - (b) any defect identified in any survey, including a periodic survey, must be rectified;
  - (c) after any periodic survey of the vessel, the owner must ensure that the National Regulator is provided a report setting out the condition of the vessel and the extent of its compliance with the standards that apply to the vessel;
  - (d) any certificate of currency relating to equipment that is required to be carried on the vessel must be kept current;
  - (e) the maximum number of people permitted at the same time on the vessel, or any part of the vessel, must not be exceeded;
  - (f) the vessel must continue to meet the standards that apply to the vessel;
  - (g) the owner of the vessel must notify the National Regulator if any changes are made after 1 July 2018 to the vessel's structure, arrangements, material or scantlings, including changes that are not mentioned in Schedule 1;
  - (h) the vessel must not be operated if a change mentioned in Schedule 1 has occurred;

*Note for paragraph (h)* A vessel may only recommence operating if a new certificate of survey is issued by the National Regulator under subsection 38(1) of the national law.

- (i) if the owner of the vessel transfers ownership to another person, the transferor must, within 14 days after the transfer, notify the National Regulator in writing of:
  - (i) the date of transfer; and
  - (ii) the name and address of the transferee;
- (j) the owner of the vessel must notify the National Regulator in writing within 14 days if:
  - (i) the vessel is sunk or scrapped, and the time and location of sinking or scrapping; or
  - (ii) the owner changes address; or



(iii) any information in the certificate is no longer accurate.

*Note 1* Other conditions may be imposed — see paragraph 38(3)(b) of the national law.

*Note 2* It is an offence to breach a condition of a certificate of survey — see sections 45 and 46 of the national law.

- (2) If there is in effect an equivalent means of compliance approved under section 17, the vessel must:
- (a) meet the conditions mentioned in subsection (1) other than paragraph (f); and
  - (b) meet the equivalent means of compliance and conditions (if any); and
  - (c) continue to meet the standards mentioned in this Order that apply to the vessel, to the extent that the equivalent means of compliance does not replace those standards.
- (3) For the avoidance of doubt, a certificate of survey issued prior to 1 July 2018 is subject to the conditions mentioned in this section.

## 12 Duration of certificate

If a certificate of survey does not specify a date on which it ceases to be in force, the certificate ceases to be in force 5 years after it comes into force.

## Division 3 Variation, suspension and revocation of certificates of survey

### 13 Application for variation, suspension or revocation of certificate

For subsection 39(2) of the national law, an application for variation, suspension or revocation of a certificate of survey must be made by the owner of the vessel in the approved form and be accompanied by any prescribed fee.

### 14 Criteria for variation of certificate

- (1) For paragraph 40(1)(b) of the national law, the criteria for the National Regulator to vary a certificate of survey on application are any of the following:
- (a) there has been a removal of a service category;
  - (b) the owner of the vessel has changed;
  - (c) the name of the vessel has changed;
  - (d) information in the certificate is no longer accurate;
  - (e) the vessel has been altered (other than a change mentioned in Schedule 1), damaged or sold.
- (2) For paragraph 40(2)(a) of the national law, the criteria for the National Regulator to vary a certificate of survey on its initiative are any of the following:
- (a) there has been a removal of a service category;
  - (b) the owner of the vessel has changed;
  - (c) the name of the vessel has changed;

- (d) the National Regulator becomes aware that a vessel to which the certificate applies has been altered (other than a change mentioned in Schedule 1), damaged or sold;
- (e) the National Regulator considers that any of the information mentioned in the certificate is no longer accurate;
- (f) there is a change in conditions imposed on the certificate under paragraph 38(3)(b) of the national law.

### **15 Suspension of certificate**

- (1) For paragraph 41(1)(b) of the national law, the criterion for the National Regulator to suspend a certificate of survey on application is that any fees relating to the certificate have been paid.

*Note* An application by the owner for a suspension of a certificate must be in accordance with section 13.

- (2) For subsection 41(2A) of the national law, the purpose for the suspension of a certificate of survey on the National Regulator's initiative is any of the following:

- (a) ensuring any unpaid fees relating to the vessel are recovered;
- (b) ensuring necessary repairs are made to the vessel;
- (c) ensuring the vessel meets the standards that apply to it;
- (d) ensuring that the vessel is not operated in contravention of a detention notice, a direction, an improvement notice or a prohibition notice.

*Note* The National Regulator must suspend a certificate if satisfied the suspension is necessary for other purposes (eg protecting human life) — see subsection 41(2) of the national law.

- (3) For paragraph 41(3)(b) of the national law, the period of suspension is:
  - (a) for a suspension on application mentioned in subsection 41(1) of the national law — 18 months; and
  - (b) for a suspension on the National Regulator's initiative mentioned in subsections 41(2) and (2A) of the national law — 6 months.

*Note 1* Under paragraph 72(2)(a) of the national law the National Regulator must, before suspending a certificate under subsection 41(2A), give the holder of the certificate a notice inviting the holder to show cause, within a reasonable period specified in the notice, why the certificate should not be suspended.

*Note 2* The prescribed period of suspension is the maximum period a suspension may remain in force. The National Regulator may specify in writing an earlier period — see paragraph 41(3)(b) of the national law.

*Note 3* Suspension of a certificate of survey does not extend the duration of the certificate.

**16 Criteria for revocation of certificate**

- (1) For paragraph 42(1)(b) of the national law, the criterion for the National Regulator to revoke a certificate of survey on application is that any fees relating to the certificate have been paid.
- (2) For paragraph 42(2)(a) of the national law, the criteria for revocation of a certificate of survey by the National Regulator on its initiative are that:
  - (a) the National Regulator considers it to be necessary in the interest of marine safety or protecting the environment; or
  - (b) the certificate was issued in error; or
  - (c) a change mentioned in Schedule 1 has occurred since the certificate of survey was issued.

**Division 4 Equivalent means of compliance****17 Approval of equivalent means of compliance**

- (1) The National Regulator may approve an equivalent means of compliance:
  - (a) on application by a person; or
  - (b) on the initiative of the National Regulator.
- (2) The National Regulator may approve an equivalent means of compliance if satisfied that it is at least as effective as any part of the standards that it replaces.
- (3) The National Regulator may impose conditions on the approval.
- (4) A decision to refuse to approve an equivalent means of compliance under paragraph (1)(a) is a reviewable decision for sections 16 and 17 of Marine Order 501.

**18 Application for equivalent means of compliance**

- (1) An application for the approval of an equivalent means of compliance mentioned in paragraph 17(1)(a) must be made in accordance with section 9 of Marine Order 501.
- (2) The application for an approval of an equivalent means of compliance must include:
  - (a) details of the standards in this Order that apply to the vessel, to which the application relates; and
  - (b) a statement explaining how the proposed equivalent means of compliance is at least as effective as compliance with the standards applying to the vessel, that it is to replace; and
  - (c) at least 1 document supporting the statement mentioned in paragraph (b).

*Note for paragraph (a)* The application should mention the particular standards applying to the vessel that are to be replaced.

*Note for paragraph (b)* If the application relates to the NSCV, the statement may explain how the equivalent means of compliance meets the required outcomes in the NSCV that apply (if any) to the same level of safety as the deemed to satisfy solution. If the application relates to the USL Code, the statement may explain how the equivalent

means of compliance meets each requirement of the USL Code to the same level of safety.

*Examples for paragraph (c)*

- 1 A report from an accredited marine surveyor.
  - 2 National Association of Testing Authorities, Australia (NATA) testing results.
  - 3 A mill test report.
- (3) Division 3 (other than section 13) of Marine Order 501 applies to an application for an equivalent means of compliance.

## 19 Revocation of equivalent means of compliance

- (1) The National Regulator may revoke an equivalent means of compliance approved under section 17.
- (2) A decision to revoke an equivalent means of compliance is a reviewable decision for sections 16 and 17 of Marine Order 501.

## 20 Duration of equivalent means of compliance

An equivalent means of compliance approved under section 17:

- (a) commences on the day it is approved by the National Regulator; and
- (b) remains in effect until the day specified in the approval (if any), unless it is revoked earlier.

## Division 5 Definitions and transitional

### 21 Definitions and interpretation

- (1) In this Order:

**accredited marine surveyor** means a person who is accredited under section 24 of the *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013*.

**being constructed** means:

- (a) a vessel's keel has been laid; or
- (b) construction identifiable with the vessel has begun and at least the lesser of 50 tonnes, or 10% of the estimated mass of all structural material, of the vessel had been assembled.

**dangerous goods** has the same meaning as in NSCV Part C4.

**design approval**, for an existing vessel, means:

- (a) vessel design, plans or construction drawings approved by a State or Territory; or
- (b) a certificate of compliance for design for a State or Territory agency responsible for marine safety.

**EIAPP certificate** has the same meaning as in *Marine Order 97 (Marine pollution prevention — air pollution) 2013*.

**fast craft** has the same meaning as in NSCV Part B.

**high speed thrill ride vessel** means a Class 1 or Class 2 vessel used for high speed adventure or thrill rides where persons on board the vessel are intentionally subject to high speeds or vertical or horizontal accelerations.

**initial survey** has the same meaning as in Part 2 of the National Law – Marine Surveyors Accreditation Guidance Manual 2014.

**landing barge** means a vessel designed for beaching to enable the loading and discharge of cargo or persons by foot or vehicle directly from or onto the shoreline without the use of wharfs or other shore side facilities.

**load line certificate** has the same meaning as in *Marine Order 507 (Load line certificates — national law) 2018*.

**Marine Order 501** means *Marine Order 501 (Administration — national law) 2013*.

**MARPOL** has the same meaning as **the Convention** in the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*.

**modifier**, for a vessel, means any of the following circumstances apply:

- (a) carriage of dangerous goods including petroleum or gas products (other than petroleum or gas products intended for use on the vessel or fireworks carried on the vessel only for use on the vessel for a fireworks display);
- (b) the vessel has an inboard engine which operates on fuel that has a flashpoint of less than 60°C;
- (c) the vessel is operated primarily for towage;
- (d) the vessel is a support vessel in the offshore oil or gas industry;
- (e) the vessel is a Class 4 vessel operated overnight;
- (f) the vessel:
  - (i) is a Category F1 fast craft or Category F2 fast craft; or
  - (ii) is a landing barge that is of a design or for a use that the National Regulator has determined is likely to adversely affect its stability;
- (g) the vessel is a vessel (other than a vessel with a hull made from aluminium or steel) that is at least 15 years old.

**National Law – Marine Surveyors Accreditation Guidance Manual 2014** means the National Law – Marine Surveyors Accreditation Guidance Manual 2014 that is published by AMSA.

**novel vessel** has the same meaning as in NSCV Part B.

*Note* Section 3.2 of NSCV Part B and the AMSA website at <http://www.amsa.gov.au> provide information about vessels that are taken to be novel vessels by the National Regulator.

**periodic survey** has the same meaning as in Part 2 of the National Law – Marine Surveyors Accreditation Guidance Manual 2014.

**recognised organisation** has the same meaning as in the *Navigation Act 2012*.

**renewal survey** has the same meaning as in Part 2 of the National Law – Marine Surveyors Accreditation Guidance Manual 2014.

**safety equipment** has the same meaning as in:

- (a) for a Class 1, 2 or 3 vessel — NSCV Part C7A; and
- (b) for a Class 4 vessel — NSCV Part F2; and

(c) for a vessel that is a fast craft — NSCV Part F1A, NSCV Part F1B, or NSCV Part F1C, that applies to the vessel.

**sister vessel** has the same meaning as in Part 2 of the National Law – Marine Surveyors Accreditation Guidance Manual 2014.

**service category** has the same meaning as in NSCV Part B.

**unpowered barge** means a vessel that:

- (a) is navigated by a powered vessel that moves it by pushing or towing; and
- (b) is not propelled by mechanical means other than a means of propulsion that may assist the vessel to:
  - (i) maintain a relatively fixed position when the vessel is at a work location; or
  - (ii) be towed to or from a work location.

**unrestricted electrical licence** means an electrical licence (however described) issued by a State or Territory that permits a person to perform all electrical work including:

- (a) installing electrical wiring; and
- (b) repairing electrical equipment.

*Note 1* For organisations that have been prescribed for the definition of **recognised organisation** — see *Marine Order 1 (Administration) 2013*.

*Note 2* Some terms used in this Order are defined in Marine Order 501, including:

- approved form
- national law
- NSCV
- USL Code.

*Note 3* Other terms used in this Order have the same meaning that they have in the national law, including:

- certificate of survey
- domestic commercial vessel
- foreign vessel.

- (2) Unless the contrary intention appears, mention in this Order of any of the following instruments means the instrument existing from time to time:
  - (a) National Law – Marine Surveyors Accreditation Guidance Manual 2014;
  - (b) NSCV;
  - (c) USL Code.

*Note* These instruments are available from AMSA's website at <http://www.amsa.gov.au>.

## 22 Existing vessel, transitional vessel and new vessel — meaning

- (1) For this Order, a domestic commercial vessel is an existing vessel if:
  - (a) for a vessel that was constructed before 1 July 2013 — it was entitled, or issued with a survey certificate (however described), under an Australian State, Territory or Commonwealth law to operate in connection with a commercial, governmental or research

- activity for the 2 year period ending on 30 June 2013 and it was not a foreign vessel at any time in that 2 year period; and
- (b) for a vessel that was being constructed on 30 June 2013 — it has design approval lodged and approved before 1 July 2013 for use in connection with a commercial, governmental or research activity and, if completed after 30 June 2013, it has been used in connection with a commercial, governmental or research activity in the 2 year period after its completion; and
  - (c) for a vessel that had not commenced construction before 1 July 2013 — it was being constructed on 30 June 2016 and has design approval that was lodged before 1 July 2013, and subsequently approved, for use in connection with a commercial, governmental or research activity and, if completed after 30 June 2016, it has been used in connection with a commercial, governmental or research activity in the 2 year period after its completion.
- (2) However, an existing vessel is taken to be a transitional vessel if:
- (a) a change mentioned in Schedule 1 has occurred; or
  - (b) the vessel has had a certificate of survey that ceased to be in force for a period of at least 2 years.

*Note for paragraph (a)* Changes mentioned in Schedule 1 include changes to the vessel's operations, structure, equipment, systems, fittings, or arrangements. Paragraph 11(1)(h) provides that it is a condition on a certificate of survey that the vessel is not to be operated if a change mentioned in Schedule 1 has occurred.

- (3) For this Order, a domestic commercial vessel is a new vessel if subsections (1) and (2) do not apply to the vessel.

## **23 Transitional**

- (1) This section applies to an application for the issue, variation, suspension or revocation of a certificate of survey made on, or before 30 June 2018, that is not decided before 1 July 2018.
- (2) The application is taken to be an application for this Order.
- (3) However, the National Regulator may consider the application in accordance with the criteria set out in *Marine Order 503 (Certificates of survey — national law) 2017* as if that Order had not been repealed.

## Schedule 1 Vessel changes

(paragraphs 7(5)(a), 16(2)(c) and 22(2)(a))

- 1 There is an upgrade in the service category of the vessel, including the assignment of any additional service category.

*Examples*

- 1 Class 2 vessel to operate as Class 1 vessel.
  - 2 Class 2C vessel to operate as Class 2B vessel.
  - 3 Class 2D vessel to operate as Class 3B vessel.
  - 4 Class 2D vessel to operate as Class 3D vessel.
- 2 The vessel's operations are relocated to outside the geographical location restrictions that apply to the vessel's certificate of survey or certificate of operation.

*Example*

A vessel has a certificate of survey or certificate of operation that restricts the vessel to operating in Sydney Harbour, but the vessel has relocated to operate in Spencer Gulf.

*Note* A vessel previously regulated under the State or Northern Territory law may be subject to geographical location restrictions on any certificate of survey or certificate of operation issued under the national law. Examples of vessels previously regulated under the State or Northern Territory law with specific geographical location restrictions include: WA survey exempt vessels, NSW commercially registered vessels, Qld certificate of registration vessels, SA certificate of inspection vessels.

- 3 The vessel commences the carriage of dangerous goods.
- 4 The vessel commences overnight operations with overnight accommodation provided.
- 5 There is an increase in either:
  - (a) the number of persons on the vessel, or any part of the vessel, that exceed the maximum number permitted; or
  - (b) the number of passengers permitted on the vessel.
- 6 Any of the following changes:
  - (a) installation of berths or extra berths;
  - (b) increase in propulsion power that invalidates the assumptions and calculations used for structural or stability design approval;
  - (c) variation to lightship displacement of at least 4%;
  - (d) variation to lightship LCG by at least 2%;
  - (e) increase in windage profile of the vessel;
  - (f) removing, repositioning, installing or modifying of:
    - (i) any portion of fixed ballast; or
    - (ii) lifting equipment; or
    - (iii) net reels; or
    - (iv) cranes; or
    - (v) trawl apparatus; or
    - (vi) refrigeration equipment; or
    - (vii) any kind of tank including for fish, fuel or water; or



- (viii) towing points.
- 7 There is a change to the vessel's structure or watertight integrity including any of the following:
  - (a) change to vessel dimensions;
  - (b) alteration of the passageways or means of access to the vessel or its spaces;
  - (c) fitting of, or alteration to, a deck or watertight bulkhead.
- 8 Other than a like for like replacement of equipment or fittings, there is a change to any of the following for the vessel:
  - (a) fixed fire system;
  - (b) stern gear;
  - (c) gas system;
  - (d) electrical power and generators.

## Schedule 2 Standards for transitional vessels

(paragraph 7(6)(b))

### 1 Standards for transitional vessels other than Class 4 vessels and fast craft

For paragraph 7(6)(b), the standards for a vessel (other than a Class 4 vessel or fast craft) are:

- (a) for a vessel affected by any change mentioned in clause 1, 2, 3, 4, 5 or 6 of Schedule 1 — the standards mentioned in table 1; and
- (b) for a vessel affected by any change mentioned in clause 7 or 8 of Schedule 1 — the standards mentioned in:
  - (i) subsection 7(3) for the area of the vessel affected by the change and the area of the vessel affected by any previous change mentioned in clause 7 or 8 of Schedule 1; and
  - (ii) table 1 for the other areas of the vessel not affected by the change, or any previous change, mentioned in clause 7 or 8 of Schedule 1; and
- (c) for a vessel that has not had a certificate of survey in force for a period of at least 2 years — the standards mentioned in table 1.

### 2 Standards for transitional vessel that are Class 4 vessels

For paragraph 7(6)(b), the standards for a transitional vessel that is a Class 4 vessel are the standards mentioned in NSCV Part F2.

### 3 Standards for transitional vessels that are fast craft

For paragraph 7(6)(b), the standards for a transitional vessel that is a fast craft are:

- (a) for safety equipment, communications equipment and navigation equipment — the standards mentioned in NSCV Part F1; and
- (b) for other areas of the vessel — the standards mentioned in table 1.

**Table 1 Standards applying to transitional vessels**

Area of vessel	Standards
Arrangement, accommodation and personal safety	(a) if a change mentioned in clause 1, 5 or 7 of Schedule 1 has occurred — the following: <ul style="list-style-type: none"> <li>(i) Chapters 1, 3 and 6 of NSCV Part C1;</li> <li>(ii) the USL Code 2008, Section 5 Sub-Section E (other than clauses E.8 to E.11);</li> <li>(iii) the USL Code 2008, Section 6;</li> <li>(iv) for accommodation ladders, gangways and safe means of access — the USL Code 2008, Section 13, Part 3 and Appendix F of Part 4; and</li> </ul>

Area of vessel	Standards
	<p>(b) NSCV Part C1 if the change results in:</p> <ul style="list-style-type: none"> <li>(i) new or additional berths installed; or</li> <li>(ii) new types of overnight operations commencing; or</li> <li>(iii) pilot operations commencing; and</li> </ul> <p>(c) in any other case — the following:</p> <ul style="list-style-type: none"> <li>(i) Chapters 1 and 3 of NSCV Part C1;</li> <li>(ii) the USL Code 2008, Section 5 Sub-Section E;</li> <li>(iii) the USL Code 2008, Section 6;</li> <li>(iv) for accommodation ladders, gangways and safe means of access — the USL Code 2008, Section 13, Part 3 and Appendix F of Part 4</li> </ul> <p><i>Note for subparagraph (a)(iv) and (c)(iv)</i> For Appendix F of Part 4 — Marine Order 12 has replaced Marine Orders Part 23.</p> <p><i>Note</i> If the change is covered by either paragraph (a) or (b), the standard to be met is the standard mentioned in paragraph (b).</p>
Watertight and weathertight integrity	<p>(a) USL Code 1993 or USL Code 2008, Section 5, Sub-Section C, clauses C.42 to C.47, C.49 to C.53, C.54.2, C.55 to C.57, C61.1, C.61.2a, C.61.3, C.61.3a, C.61.4, C.61.5, C.67, C.68, C.69.1 to C.61.6, and C.70 to C.73; and</p> <p>(b) USL Code 1989 or USL Code 2008, Section 5, Sub-section D, clauses D.9 to D.15 and D.18 to D.36; and</p> <p>(c) USL Code 1989 or USL Code 2008, Section 7</p>
Construction	<p>(a) USL Code 1993, USL Code 2008 Section 5, Sub-Sections G to M if:</p> <ul style="list-style-type: none"> <li>(i) the assumptions or calculations used for the structural design approval have not been invalidated by any increase in displacement, speed or service category; and</li> <li>(ii) the documentation evidencing the design approval mentioned in subparagraph (i) is available for verification; and</li> </ul> <p>(b) in any other case — NSCV Part C3 except that vessels <math>\geq 35</math> m may comply with clause 3.2 of NSCV Part C3</p>

Area of vessel	Standards
Fire safety	<p>(a) if the change results in an increase in passengers permitted on the vessel — NSCV Part C4; and</p> <p>(b) if the change (other than a change mentioned in paragraph (a)) results in the vessel's fire risk category, determined in accordance with clause 3.1 of NSCV Part C4, remaining unchanged or decreasing — the following:</p> <p>(i) USL Code 1989 or USL Code 2008, Section 5, Sub-Section F and Section 11;</p> <p>(ii) installation of a fixed fire detection and extinguishing system as required by NSCV Part C4; and</p> <p>(c) if the change results in the vessel's fire risk category, determined in accordance with clause 3.1 of NSCV Part C4, increasing — NSCV Part C4; and</p> <p>(d) if dangerous goods are to be carried — NSCV Part C4 to the extent that it has requirements for the carriage of, and containment spaces for, dangerous goods</p> <p><i>Note for paragraphs (a) and (b)</i> To determine if a vessel's fire risk category has decreased, remains unchanged or increased, the vessel's fire risk category based on the nature of its operations before and after any change (see Table 2 of clause 3.1 of NSCV Part C4) must be established.</p>
Machinery	<p>(a) the standard mentioned in the vessel's design approval if:</p> <p>(i) the change does not invalidate the assumptions and calculations used for the design approval; and</p> <p>(ii) the documentation evidencing the design approval is available for verification; and</p> <p>(b) in any other case — NSCV Part C5A or USL Code, Section 9</p>
Electrical	<p>(a) USL Code 1993, Section 9, Part 4; and</p> <p>(b) residual current devices are to be fitted in accordance with AS/NZS 3000 <i>Electrical installations</i>, existing from time to time</p>
LPG appliances	NSCV Part C5C
LPG engines	NSCV Part C5D
Intact stability	(a) for new or additional operations for the

Area of vessel	Standards
	vessel — NSCV Part C6; and (b) in any other case — USL Code 2008, Section 8, Sub-Section A, USL Code 1993, Sub-Sections B and C; and (c) the person weight used for calculations under paragraph (b) must be in accordance with NSCV Part C6
Subdivision and damage stability	USL Code 2008, Section 5, Sub-Sections C and D
Safety equipment	NSCV Part C7A (other than Annex I)
Communication equipment	NSCV Part C7B
Navigation equipment	NSCV Part C7C
Anchoring system	(a) if the vessel's windage profile has changed — NSCV Part C7D; and (b) in any other case — USL Code 1993, Section 13, Appendix H

## Schedule 3 Periodic survey for vessels

(paragraph 11(1)(a))

- (1) A periodic survey must be completed:
  - (a) for aspects of the vessel that are constructed to class rules (however described) and surveyed by a recognised organisation — in accordance with the frequency specified in class rules; and
  - (b) in any other case — in accordance with the survey frequency mentioned in table 1 for the survey frequency category that is specified for the vessel in table 2.
- (2) A periodic survey must be completed within the 3 months before, or the 3 months after, the date that corresponds to the expiry date of the certificate of survey in the year when survey is required.

**Table 1 Periodic survey schedule**

Survey frequency category	Schedule for periodic survey					
	Year 0	Year 1	Year 2	Year 3	Year 4	Year 5
High	Initial survey	Periodic	Periodic	Periodic		Renewal survey
Medium				Periodic		
Low						

*Note 1* The kind of periodic survey (in water, out of water or in and out of water) required is specified in Part 2 of the National Law – Marine Surveyors Accreditation Guidance Manual 2014.

*Note 2* Some vessels may be required to undertake an initial survey instead of, or as well as, a renewal survey, where a Schedule 1 change has occurred — see subsection 9(1).

**Table 2 Survey frequency categories**

Item	Vessel or kind of vessel	Survey frequency category
1	Class 1	High
2	Class 2A with passengers	High
3	Class 2B extended with passengers	High
4	Class 2B with passengers	High
5	Class 2A without passengers	Medium
6	Class 2B extended without passengers	Medium
7	Class 2B without passengers	Medium
8	Class 2C ≥12 m	Medium

<b>Item</b>	<b>Vessel or kind of vessel</b>	<b>Survey frequency category</b>
9	Class 2C with modifier	Medium
10	Class 2D ≥12 m with passengers	Medium
11	Class 2E ≥12 m with passengers	Medium
12	Class 2D with modifier	Medium
13	Class 2E with modifier	Medium
14	Class 2C <12 m without modifier	Low
15	Class 2D without passengers and without modifier	Low
16	Class 2D <12 m with passengers and without modifier	Low
17	Class 2E without passengers and without modifier	Low
18	Class 2E <12 m with passengers and without modifier	Low
19	Class 2 ferry in chains*	Low
20	Class 2 permanently moored vessel*	Low
21	Class 2 unpowered barge*	Low
22	Class 3A	Medium
23	Class 3B extended	Medium
24	Class 3B	Medium
25	Class 3C ≥12 m	Medium
26	Class 3C with modifier	Medium
27	Class 3D with modifier	Medium
28	Class 3E with modifier	Medium
29	Class 3C <12 m without modifier	Low
30	Class 3D without modifier	Low
31	Class 3E without modifier	Low
32	Class 3 permanently moored vessel*	Low
33	Class 3 unpowered barge*	Low
34	Class 4C ≥12 m	Medium
35	Class 4D ≥12 m	Medium
36	Class 4E ≥12 m	Medium

Item	Vessel or kind of vessel	Survey frequency category
37	Class 4C with modifier	Medium
38	Class 4D with modifier	Medium
39	Class 4E with modifier	Medium
40	Class 4C <12 m without modifier	Low
41	Class 4D <12 m without modifier	Low
42	Class 4E <12 m without modifier	Low
43	Vessel with steam propulsion*	High
44	Submersible or wing-in-ground effect craft*	High
45	Novel vessel*	High
46	High speed thrill ride vessel*	High

*Note 1* The survey frequency category for a kind of vessel indicated with an asterisk (\*) is the survey frequency category mentioned in that item, whether or not the table provides that another survey frequency category applies according to vessel service category.

*Note 2* A vessel that has a restricted operational area category has the same survey frequency category as a vessel that does not.

*Note 3* For the definition of **modifier** — see section 21.

### Note

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>.