



## Transferring Ownership of an Australian Ship

A transfer of ownership under section 36 of the [Commonwealth Shipping Registration Act 1981](#) occurs when the owner of shares in a ship executes a Bill of Sale.

NOTE - A ship operating in Australian waters may be required to be registered under State or Territory law. Details of the requirements can be obtained from the relevant government authority in the State or Territory.

### Searching the Register before buying

Details of ownership, mortgages and caveats over registered ships can be obtained from the Register of Ships by:

- Inspecting the Register personally at the Shipping Registration Office in Canberra (fee \$50 per ship), or
- Writing by fax or post for a certified extract of the Register showing current title details (fee \$75 per ship).

Fees are payable in advance.

### Sale to an Australian

#### **Seller's responsibility**

When a Bill of Sale is executed the seller must ensure that the buyer receives:

1. The Bill of Sale
2. The Registration Certificate

#### **Buyer's responsibility**

The buyer's responsibility is to make a:

1. Declaration of Transfer
2. Notice of Appointment of Registered Agent, and
3. Within 14 days of the execution of the Bill of Sale, lodge with the Registrar of Ships:
  - Declaration of Transfer
  - Notice of Appointment of Registered Agent
  - Bill of Sale
  - Australian Registration Certificate
  - Lodgement fee

### Sale to a foreigner

If the sale results in the ship no longer being entitled to be Australian-registered, the seller must forward to the Registrar of Ships:

1. Written notice of the details of the sale;
2. A copy of the Bill of Sale; and
3. The Registration Certificate.

A ship is entitled to be registered when:

- More than half the shares (at least 33 out of 64) are owned by Australian nations; or
- It is less than 12 metres in overall length and wholly owned or operated by Australian residents or by Australian nationals and residents together; or
- It is on demise (bare boat) charter to an Australian whose principal place of business is in Australia.

### Fee

(a) ship required to be registered*	\$595
(b) ship permitted to be registered** other than ship referred to in (c)	\$340
(c) ship on demise charter to an Australian based operator other than an Australian owned ship	\$1020

\* Commercial ship 24 metres or more in tonnage length.

\*\* Commercial ship less than 24 metres in tonnage length, government ship, pleasure craft and fishing vessel.

**Cheques should be made payable to:**

**AUSTRALIAN MARITIME SAFETY AUTHORITY**

### The Registration Certificate

If the ship is at an Australian port, the person who has possession or control of the Registration Certificate must deliver it to the buyer at the time of execution of the Bill of Sale. Otherwise the certificate must be delivered to the buyer as soon as practicable.

Failure to deliver the certificate to the buyer is an offence. If the offender is a natural person, the offence is punishable by a fine of up to \$500 a day from the day of conviction until the certificate is delivered to the buyer.

# Fact Sheet – Transferring ownership of an Australian ship

A body corporate is liable to a fine of \$1,000 a day. If the owner is the offender, the ship's registered agent is also deemed to be guilty of the offence.

Where a certificate has been mislaid, lost or destroyed, the ship's registered agent or master may apply for a new certificate. An application form is available from the Shipping Registration Office. A fee of \$95 is payable.

## Extension of time to lodge documents

A buyer may apply for an extension of time in which to lodge documents. The application should be in writing, signed by the buyer and witnessed, and set out the grounds of the request. A fee of \$170 is payable.

## Effect of a transfer on registered mortgages

An undischarged registered mortgage usually continues in force after a transfer if no action is taken to discharge it and lodge evidence of the discharge. In that case the mortgage will become the responsibility of the buyer. Mortgagors (borrowers) should ensure that evidence of the discharge of a mortgage is lodged promptly for registration (see the guide [Registering a mortgage or a discharge of mortgage](#)).

When the seller is a mortgagee (lender) exercising a power of sale a transfer usually results in the indirect discharge of mortgages and no evidence of discharge needs to be lodged. Indirect discharge may occur in other circumstances. Further information can be obtained from the Registrar or from legal practitioners.

## Effect of a transfer on the ship's home port

The home port of a ship *does not* change upon a transfer of ownership. To effect a change the ship's registered agent must lodge an application for a change of home port, together with the lodgement fee of \$82. The application form may be downloaded from our [website](#) or obtained from the Shipping Registration Office.

## 406 MHz Distress Beacon

If there is a 406 MHz Distress Beacon on the ship:

1. The **seller** should fill out and submit a 406 MHz distress beacon disposal form available on AMSA's web site: [www.amsa.gov.au/Forms/index.asp](http://www.amsa.gov.au/Forms/index.asp)  
Failure to provide the change of ownership form will result in the seller remaining the registered owner of the EPIRB and will be contacted in the event the beacon is activated; and
2. The **buyer** should register the beacon with AMSA, either on-line at <http://beacons.amsa.gov.au/index.asp> or fill out and submit a 406 MHz Distress Beacon Registration form (AMSA6) available on AMSA's web site: [www.amsa.gov.au/Forms/amsa6.pdf](http://www.amsa.gov.au/Forms/amsa6.pdf)

Further information on registering distress beacons can be found at: <http://beacons.amsa.gov.au/index.asp>

## Further information may also be obtained from:

Australian Maritime Safety Authority

Registrar of Ships

GPO Box 2181

Canberra ACT 2601

Tel: (02) 6279 5925

Fax: (02) 6279 5922

Email: [sro@amsa.gov.au](mailto:sro@amsa.gov.au)

Web: [www.amsa.gov.au/Shipping\\_Registration/](http://www.amsa.gov.au/Shipping_Registration/)