



Australian Government
Australian Maritime Safety Authority

MARINE ORDERS

Part 50

Special purpose ships

Issue 3

Order No 14 of 1999

Pursuant to Section 425(1AA) of the *Navigation Act 1912*, I hereby make this Order repealing Marine Orders, Part 50, Issue 2, and issuing Marine Orders, Part 50, Issue 3 to come into operation on 1 July 1999.

Clive Davidson
Chief Executive
16 June 1999

Table of Contents

1	Interpretation
2	Purpose
3	Application
4	Exemptions & equivalents
5	Review of decisions
6	Offences
7	Prescribed matters
8	Certification & survey
9	Existing & small ships
10	Training of special personnel
Appendix	Form of Special Purpose Ship Safety Certificate

Previous issues

Issue 1, Order No 3 of 1986

Issue 2, Order No 2 of 1987

1 Interpretation

1.1 In this Part, the following definitions apply:

AMSA means the Australian Maritime Safety Authority established by the *Australian Maritime Safety Authority Act 1990*;

Chief Marine Surveyor means the Manager (Ship Inspection Program) in AMSA or, in respect of any particular purpose under this Part, a suitably qualified person authorised by the Manager (Ship Inspection Program) for that purpose;

Code means the Code of Safety for Special Purpose Ships adopted by Resolution A.534(13) of the International Maritime Organization, as amended by MSC/Circ.739;

crew means persons employed on board a ship on the business of the ship:

- (a) navigating the ship;
- (b) maintaining the ship, its machinery, systems and arrangements essential for propulsion and safe navigation; or
- (c) providing services for other persons on board the ship;

SOLAS means the Safety Convention as defined in the Navigation Act; and

survey authority means a survey authority approved for the purposes of the Navigation Act.

Note: The following survey authorities are approved:

<i>American Bureau of Shipping</i>	<i>Bureau Veritas</i>
<i>Det Norske Veritas</i>	<i>Germanischer Lloyd</i>
<i>Lloyd's Register of Shipping</i>	<i>Nippon Kaiji Kyokai</i>

1.2 In this Part:

- (a) headings and sub-headings are part of the Part;
- (b) each Appendix is part of the Part;
- (c) a note included in the text and printed in italics is not part of the Part.

Note: Copies of IMO Resolutions or other documents referred to in this Part are available from AMSA.

1.3 A reference in the Code to **the Administration** is to be read as a reference to the Chief Marine Surveyor, and a power, function or discretion exercisable by **the Administration** is exercisable by the Chief Marine Surveyor.

2 Purpose

This Part:

- (a) specifies classes of ships for the purposes of section 283 of the Navigation Act;
- (b) prescribes a class of persons for the purposes of paragraph 283(d) of the Navigation Act; and
- (c) for the purposes of subsection 283A of the Navigation Act, makes provision for and in relation to special purpose ships and special purpose personnel.

3 Application

This Part applies to and in relation to a special purpose ship:

- (a) registered in Australia; or
- (b) engaged on a voyage commencing or terminating at a port in Australia or an Australian Territory.

4 Exemptions & equivalents

4.1 Exemptions

4.1.1 The Chief Marine Surveyor, if satisfied that compliance with a provision of this Part would be unnecessary or unreasonable having regard to a ship, its equipment and its intended voyage, may exempt that ship from compliance with such provision to the extent specified and subject to such conditions as that officer thinks fit.

4.1.2 Provision 4.1.1 applies only to the extent that any exemption from a provision of this Part is not inconsistent with SOLAS.

4.2 Equivalents

Where a provision of this Part requires a particular fitting, material, appliance or apparatus, or type thereof to be fitted or carried in a ship or a particular provision to be made in a ship, the Chief Marine Surveyor may allow any other fitting, material, appliance or apparatus, or type thereof, to be fitted or carried, or any other provision to be made, if that officer is satisfied that the other fitting, material, appliance or apparatus, or

type thereof, or provision, is at least as effective as that required by that provision of this Part.

5 Review of decisions

5.1 Reviewable decisions

Application may be made to the Administrative Appeals Tribunal for review of a decision:

- (a) refusing, restricting or imposing a condition on an exemption under 4.1;
- (b) refusing to allow under 4.2 a particular fitting, material, appliance or apparatus, or type thereof, to be fitted or carried in a ship or a particular provision to be made in a ship;
- (c) not to approve, permit, accept or be satisfied with a fitting, material, appliance or apparatus, or type thereof, or an arrangement, where under a provision of the Order a discretion to do so lies with that officer; or
- (d) imposing additional requirements in relation to a fitting, material, appliance or apparatus, or type thereof, or arrangement, where under a provision of the Order a discretion to do so lies with that officer.

5.2 Statements to accompany notices

Where a person making a decision referred to in 5.1 gives to a person whose interests are affected by the decision notice in writing of the decision, the notice must:

- (a) include a statement to the effect that, if the person is dissatisfied with the decision, application may, subject to the *Administrative Appeals Tribunal Act 1975*, be made to the Administrative Appeals Tribunal for review of the decision; and
- (b) except where subsection 28(4) of that Act applies, also include a statement to the effect that the person may request a statement under section 28 of that Act.

5.3 Validity of decision

Failure to comply with 5.2 in relation to a decision does not affect the validity of that decision.

6 Offences

Provisions 8.1.2 and 10 are penal provisions.

Note: *Regulation 4 of the Navigation (Orders) Regulations provides:*
'4. A person who contravenes a provision of an order made under subsection

425(1AA) of the Act that is expressed to be a penal provision is guilty of an offence and is punishable on conviction:

- (a) if the offender is a natural person—by a fine not exceeding \$2,000; or*
- (b) if the offender is a body corporate—by a fine not exceeding \$5,000.*

7 Prescribed matters

7.1 For the purposes of section 283 of the Navigation Act, a ship in the following class of ships is a special purpose ship:

mechanically self-propelled ships which, by reason of their function, carry on board:

- (a) more than 12 special purpose personnel; or*
- (b) a combination of passengers and special purpose personnel where the combined total exceeds 12 but the number of passengers does not exceed 12.*

***Note:** Examples of kinds of ships that would normally be regarded as Special Purpose Ships are:*

- ships engaged in research, expeditions and survey*
- ships for training of marine personnel*
- whale and fish factory ships not engaged in catching*
- ships processing other living resources of the sea, not engaged in catching*
- other ships which the Chief Marine Surveyor considers have similar design features and modes of operation.*

7.2 For the purposes of paragraph 283(d) of the Navigation Act, any person carried on board a special purpose ship, other than:

- (a) the master or any other member of the crew of the ship;*
- (b) a pilot;*
- (c) a person temporarily employed on the ship in port; or*
- (d) a person employed on the ship in connection with the special purpose of the ship or related special work performed on board the ship,*

is a person included in a prescribed class of persons.

***Note:** The combined effect of 7.2 and paragraph 283(d) of the Navigation Act is that "special personnel" are persons employed on the ship in connection with the special purpose of the ship or related special work performed on board the ship.*

8 Certification & survey

8.1 Special Purpose Ship Safety Certificate

8.1.1 Pursuant to sub-section 283A(2) of the Navigation Act, subsections 206S(1), 206S(2) and 206V(1) of that Act are modified to the effect that, if a ship referred to in one of those subsections is a special purpose ship, the requirement in the relevant subsection for certificates of survey and equipment appropriate for a passenger ship is replaced by a requirement for equivalent certificates of survey and equipment appropriate for a cargo ship together with a Special Purpose Ship Safety Certificate.

8.1.2 The master or owner of a special purpose ship other than a ship referred to in 8.1.1 must not take the ship to sea or permit the ship to be taken to sea unless there is in force in respect of the ship a Special Purpose Ship Safety Certificate.

8.1.3 A Special Purpose Ship Safety Certificate will be issued or endorsed by the Chief Marine Surveyor or by a survey authority in respect of a special purpose ship surveyed in accordance with the Code and found to be in compliance.

8.1.4 Provisions 13 and 15 of Marine Orders, Part 31 apply to a Special Purpose Ship Safety Certificate as though it were a Cargo Ship Safety Certificate.

8.1.5 The form of a Special Purpose Ship Safety Certificate is the form in the Appendix.

8.2 Survey requirements

Provisions 7, 8, 9 and 12 of Marine Orders, Part 31, apply to the survey of a special purpose ship, except that where such a provision is inconsistent with a provision of this Part, the provision of this Part is to prevail.

9 Existing and small ships

9.1 An existing ship other than a ship undergoing a substantial conversion after 1 May 1987, or a ship of less than 500 gross tonnage, is deemed to be in compliance with this Part provided such a ship complies with the Code to the extent that the Chief Marine Surveyor considers reasonable and practical, having regard to the ship, its equipment and its intended operations.

9.2 For the purposes of 9.1, **existing ship** includes a ship, the keel of which was laid or that was at a similar stage of construction at 1 May 1987:

(a) construction identifiable with that ship having begun; or

- (b) a portion of the ship, having a mass not less than:
- (i) 50 tonnes; or
 - (ii) one per cent of the estimated mass of all structural material of the ship as proposed to be completed,
- whichever is the less, having been fabricated and finally assembled.

9.3 For the purposes of 9.1, substantial conversion includes a structural alteration or modification that:

- (a) changes the length, breadth or least moulded depth of a ship;
- (b) substantially extends a ship's expected service life;
- (c) facilitates a change in the use or intended use of a ship; or
- (d) changes a ship's gross tonnage by more than 10 per cent.

10 Training of special personnel

10.1 The master of a special purpose ship must not take the ship to sea unless every person employed on board as special personnel on board:

- (a) has appropriate knowledge of the layout of the ship; and
- (b) has been given training in:
 - (i) emergencies which might occur on that particular type of ship;
 - (ii) the consequences of panic;
 - (iii) the types and proper methods of using all life-saving appliances carried on the ship;
 - (iv) the least dangerous way of jumping into the water from a height while wearing a life-jacket or, if provided, an immersion suit, and most appropriate locations for so doing;
 - (v) boarding survival craft from the ship and from the water;
 - (vi) swimming while wearing a life-jacket, an immersion suit, an anti-exposure suit or a thermal protective aid;
 - (vii) keeping afloat without a life-jacket;
 - (viii) survival in the water:
 - (A) when there is fire or oil on the water;
 - (B) in cold conditions;

- (C) in shark infested waters;
- (ix) the location of and activation of fire alarm manual call points;
- (x) the location and proper methods of use of fire-fighting equipment;
- (xi) the need to adhere to the learned principles of survival;
- (xii) basic methods of boarding helicopters; and
- (xiii) fire precautions.

10.2 For the purposes of Marine Orders, Part 29, special purpose personnel are to be treated as crew members.

* * * * *

Appendix

SPECIAL PURPOSE SHIP SAFETY CERTIFICATE

This Certificate shall be supplemented by a Record of Equipment (Form SPS)

Issued in compliance with the provisions of the

CODE OF SAFETY FOR SPECIAL PURPOSE SHIPS

under the authority of the Government of Australia by
(person or organisation authorised)

Particulars of ship

<i>Name of ship</i>	<i>Distinctive number or letters</i>	<i>Port of registry</i>	<i>Gross tonnage</i>	<i>Sea areas in which ship is certificated to operate (SOLAS reg IV/2)</i>	<i>IMO Number</i>	<i>Ship's special purpose</i>

Date on which keel was laid or ship was at a similar stage of construction or, where applicable, date on which work for a conversion or an alteration or modification of a major character was commenced

THIS IS TO CERTIFY:

- 1 That the ship has been surveyed in accordance with the requirements of regulations 1.6 of the Code.
- 2 That the survey showed that:
 - 2.1 the ship complied with the provisions of the Code as regards:
 - .1 the structure, main and auxiliary machinery, boilers and other pressure vessels;
 - .2 the watertight subdivision arrangements and details;
 - 2.2 the ship complied with the provisions of the Code as regards structural fire protection, fire safety systems and appliances and fire control plans;
 - 2.3 the life-saving appliances and the equipment of lifeboats, liferafts and rescue boats were provided in accordance with the provisions of the Code;
 - 2.4 the ship was provided with a line-throwing appliance and radio installations used in life-saving appliances in accordance with the provisions of the Code;
 - 2.5 the ship complied with the provisions of the Code as regards radio installations;
 - 2.6 the functioning of the radio installations used in life-saving appliances complied with the provisions of the Code;
 - 2.7 the ship complied with the provisions of the Code as regards shipborne navigational equipment, means of embarkation for pilots and nautical publications;
 - 2.8 the ship was provided with lights, shapes, means of making sound signals and distress signals, in accordance with the requirements of the Convention and the International Regulations for Preventing Collisions at Sea in force;

- 2.9 in all other respects the ship complied with the relevant provisions of the Code.
- 3 That an Exemption Certificate has/has not been issued.
- 4 That the ship has/has not been provided with Certificates issued under the 1974 SOLAS Convention, as amended.

This certificate is valid until

Issued at
(Place of issue of certificate)

.....
(Date of issue)

.....
(Signature of authorised official issuing the certificate)

Endorsement for annual surveys relating to hull, machinery and equipment referred to in section 2.1 of this certificate

THIS IS TO CERTIFY that, at a survey required by 1.6 of the Code, the ship was found to comply with the relevant provisions of the Code.

Annual survey: Signed:..... (Signature of authorised official) Place:..... Date:	Annual survey: Signed:..... (Signature of authorised official) Place:..... Date:
Annual survey: Signed:..... (Signature of authorised official) Place:..... Date:	Annual survey: Signed:..... (Signature of authorised official) Place:..... Date:

Endorsement for annual and periodical surveys relating to life-saving appliances and other equipment referred to in sections 2.2, 2.3, 2.4, 2.6, 2.7, 2.8 and 2.9 of this certificate

THIS IS TO CERTIFY that, at a survey required by 1.6 of the Code, the ship was found to comply with the relevant provisions of the Code.

Annual survey: Signed:..... (Signature of authorised official) Place:..... Date:	Annual/Periodical survey: Signed:..... (Signature of authorised official) Place:..... Date:
Annual/Periodical survey: Signed:..... (Signature of authorised official) Place:..... Date:	Annual survey: Signed:..... (Signature of authorised official) Place:..... Date:

Endorsement for periodical surveys relating to radio installations referred to in section 2.5 of this certificate

THIS IS TO CERTIFY that, at a survey required by 1.6 of the Code, the ship was found to comply with the relevant provisions of the Code.

Periodical survey: Signed:..... (Signature of authorised official) Place:..... Date:	Periodical survey: Signed:..... (Signature of authorised official) Place:..... Date:
---	---

5.2	Those for which approved launching appliances are not required	
5.2.1	Number of liferafts	.....
5.2.2	Number of persons accommodated by them	.....
6	Buoyant apparatus	
6.1	Number of apparatus	.....
6.2	Number of persons being supported	.....
7	Number of lifebuoys	.....
8	Number of lifejackets	.....
9	Immersion suits	
9.1	Total number	.....
9.2	Number of suits complying with the requirements of lifejackets	.....
10	Number of thermal protective aids, excluding those carried as part of the equipment of survival craft and rescue boats	.....
11	Radio installations used in life-saving appliances	
11.1	Number of radar transponders	.....
11.2	Number of two-way VHF radiotelephone apparatus	.....

3 *Details of radio facilities*

Item	Actual provision
1 Primary systems	
1.1 VHF radio installation	
1.1.1 DSC encoder
1.1.2 DSC watch receiver
1.1.3 Radiotelephony
1.2 MF radio installation	
1.2.1 DSC encoder
1.2.2 DSC watch receiver
1.2.3 Radiotelephony
1.3 MF/HF radio installation	
1.3.1 DSC encoder
1.3.2 DSC watch receiver
1.3.3 Radiotelephony
1.3.4 Direct-printing radiotelegraphy
1.4 INMARSAT ship earth station
2 Secondary means of alerting
3 Facilities for reception of maritime safety information	
3.1 NAVTEX receiver
3.2 EGC receiver
3.3 HF direct-printing radiotelegraph receiver
4 Satellite EPIRB	
4.1 COSPAS-SARSAT
4.2 INMARSAT
5 VHF EPIRB
6 Ship's radar transponder

- 4 *Methods used to ensure availability of radio facilities* (SOLAS regulations IV/15.6 and 15.7)
- 4.1 Duplication of equipment
- 4.2 Shore-based maintenance
- 4.3 At-sea maintenance capability

THIS IS TO CERTIFY that this record is correct in all respects.

Issued at
(Place of issue of the Record)

.....
(Date of issue)

.....
(Signature of duly authorised official issuing the Record)

* * * * *