



Australian Government
Australian Maritime Safety Authority

AMSA MO 2019/[number]

Marine Order 47 (Offshore industry units) 2019

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

2019

[DRAFT ONLY — NOT FOR SIGNATURE]
Chief Executive Officer

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Division 1 Preliminary

1 Name of Marine Order

This Marine Order is *Marine Order 47 (Offshore industry units) 2019*.

1A Commencement

This Marine Order commences on *[insert date]*.

1B Repeal of Marine Orders

Marine Order 47 (Mobile offshore drilling units) 2012 and *Marine Order 60 (Floating offshore facilities) 2001* are repealed.

2 Purpose

This Marine Order prescribes certification matters for a vessel that is an offshore industry unit.

3 Power

- (1) The following provisions of the Navigation Act provide for this Marine Order to be made:
 - (a) section 98 which provides that the regulations may provide for safety certificates;
 - (b) section 125 which provides that the regulations may make provision in relation to musters, drills, checks of machinery and equipment and other tests;
 - (c) section 314 which provides that the regulations may provide for matters relating to certificates;
 - (d) subsection 339(2) which provides that the regulations may provide for the matters mentioned in that provision including:
 - (i) the design and construction of vessels;
 - (ii) machinery and equipment to be carried on board;
 - (iii) the operating, maintaining, checking and testing of machinery and equipment;
 - (iv) the stability of vessels;
 - (v) saving of life at sea; and
 - (vi) prevention, detection and extinguishment of fires;
 - (vii) the maintenance, testing, survey and certification of vessels;
 - (e) subsection 341(1) which provides that the regulations may provide for the imposition of penalties for a contravention of a provision of the regulations.
- (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 Marine Order:

1979 MODU Code means the *Code for the Construction and Equipment of Mobile Offshore Drilling Units, 1979* adopted by IMO Resolution A.414(XI), as in force from time to time.

1989 MODU Code means the *Code for the Construction and Equipment of Mobile Offshore Drilling Units, 1989* adopted by IMO Resolution A.649(16), as in force from time to time.

2009 MODU Code means the *Code for the Construction and Equipment of Mobile Offshore Drilling Units, 2009* adopted by IMO Resolution A.1023(26), as in force from time to time.

anniversary date, for a certificate, means the day and the month of each year that corresponds to the date of expiry of the certificate.

certificate of classification, for a vessel, means a certificate issued by a classification society on completion of surveys or inspections verifying that the vessel is in compliance with its rules and regulations for the standards of hull, machinery, boilers, electrical equipment and control systems.

classification society means a non-government organisation that:

- (a) establishes and maintains technical standards for the construction and operation of vessels and offshore structures; and
- (b) verifies compliance with its rules and regulations.

Note For further information about classification societies — see the International Association of Classification Societies' website at <http://www.iacs.org.uk>.

Code of Safety for Diving Systems, 1995 means the *Code of Safety for Diving Systems, 1995* adopted by IMO Resolution A.831 (19), as in force from time to time.

ESP Code means the *International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011* adopted by IMO Resolution A.1049 (27), as in force from time to time.

ISM Code means the *International Safety Management (ISM) Code* that has the same meaning as in Regulation 1 of Chapter IX of SOLAS.

ISM Guidelines means the *Revised Guidelines on the implementation of the International Safety Management (ISM) Code by Administrations* adopted by IMO Resolution A.1071(28), as in force from time to time.

length, for a vessel, has the same meaning as in the *International Convention on Load Lines, 1966*, as amended by the *Protocol of 1988 relating to the International Convention on Load Lines, 1966*.

MODU (mobile offshore drilling unit) means a vessel capable of engaging in drilling operations for the exploration for or the exploitation of resources beneath the seabed (eg liquid or gaseous hydrocarbons, sulphur or salt).

Note This definition is based on the 2009 MODU Code.

MODU safety certificate, for a regulated Australian vessel, means a safety certificate that is:

- (a) issued under section 100 of the Navigation Act; and

- (b) in the form of the certificate set out in the MODU Code that applies to the vessel.

MODU Code that applies means:

- (a) for a MODU constructed before 1 May 1991 — the 1979 MODU Code; and
- (b) for a MODU constructed after 30 April 1991 and before 1 January 2012 — the 1989 MODU Code; and
- (c) for a MODU constructed after 31 December 2011 — the 2009 MODU Code.

offshore industry unit means a vessel that:

- (a) is used or prepared for use for any activity mentioned in subclause 4(1) or 4(5A) of Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; and
- (b) does not include a vessel mentioned in subclause 4(6) of that Schedule or a vessel to which the ESP Code applies.

Note 1 The definition includes a vessel described in paragraph (a) whether or not the vessel is located in **Commonwealth waters** that has the meaning given by the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

Note 2 An offshore industry unit does not include a thing that is not a vessel such as a structure. See section 14 of the Navigation Act for the meaning of **vessel**.

planned tow, for a vessel, means a tow:

- (a) by the vessel of another vessel, from a port to another port or on an overseas voyage, that is planned by the owner of either vessel; and
- (b) that is not a tow of another vessel to assist in an emergency involving a threat to a person's life or to the environment.

towing assessment, for a planned tow, means an inspection or survey of:

- (a) 1 or both vessels to be involved in the planned tow; or
- (b) the proposed arrangements for the tow.

Survey Guidelines under the Harmonised System of Survey and Certification means the Survey Guidelines under the Harmonised System of Survey and Certification (HSSC) 2017 adopted by IMO Resolution A. 1120(30), as amended.

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

- cargo vessel
- passenger vessel
- SOLAS.

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

- foreign vessel
- issuing body
- marine incident
- owner
- recognised organisation (for organisations that have been prescribed for the definition — see *Marine Order 1 (Administration) 2013*)
- regulated Australian vessel
- vessel.

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Note 3 For delegation of AMSA's powers under this Marine Order — see the AMSA website at <http://www.amsa.gov.au>.

5 Interpretation

- (1) In this Marine Order:
 - (a) a term that is used but is not defined for this Order, and is defined in the MODU Code that applies or SOLAS, has the same meaning as in the MODU Code that applies or SOLAS; and
 - (b) a reference in the MODU Code that applies or SOLAS to *the Administration* is taken to mean:
 - (i) for a regulated Australian vessel — AMSA; or
 - (ii) for a foreign vessel — the government of the country whose flag the vessel is entitled to fly; and
 - (c) mention of the *Survey Guidelines under the Harmonised System of Survey and Certification*, as amended is taken to be a reference to the Guidelines as if in force internationally on a mandatory basis; and
 - (d) a reference in Schedule 1 or 2 to *complies with*, in relation to a Marine Order, means compliance with a requirement of the Order that applies to the vessel or its equipment to the extent it has not been disapplied by any exemption or replaced by any approved equivalent.
- (2) For Regulation 11(c) of Chapter I of SOLAS, the appropriate authority for Australia is AMSA.
- (3) The reference in SOLAS to *the Administration* is taken to mean:
 - (a) for a regulated Australian vessel — AMSA; or
 - (b) for a foreign vessel — the government of the country whose flag the vessel is entitled to fly.

6 Application

This Marine Order applies to an offshore industry unit that is:

- (a) a regulated Australian vessel; or
- (b) a foreign vessel.

Note This Marine Order does not apply to a vessel that is a facility, or part of a facility, within the meaning of clause 4 of Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*. See section 640 of that Act.

7 Equivalentents

- (1) The owner of a regulated Australian vessel may apply to AMSA for approval of the use of an equivalent in accordance with *Marine Order 1 (Administration) 2013*.
- (2) AMSA may give approval of the use of the equivalent if satisfied that:
 - (a) the use would not contravene the MODU Code that applies to the vessel or SOLAS; and
 - (b) the use is at least as effective as compliance with the requirements mentioned in this Marine Order that it replaces.

Example 1

Paragraph 1.6.4 of the 2009 MODU Code provides that an Administration may approve a continuous survey programme provided that the extent and frequency of the surveys are

equivalent to renewal and intermediate surveys. For more details, see AMSA's website at <https://www.amsa.gov.au>.

Example 2

A performance based inspection programme may be approved if AMSA is satisfied it is equivalent to survey arrangements mentioned in this Marine Order. For more details, see AMSA's website at <https://www.amsa.gov.au>.

Note AMSA may revoke any approval if AMSA is no longer satisfied that use of the equivalent is at least as effective as compliance with the requirement that it replaces.

(3) In this section:

equivalent, for a vessel other than a MODU, means an alternative arrangement for the survey of the vessel.

use, for a vessel other than a MODU, means implementing or following a procedure for the implementation of an alternative arrangement for the survey of the vessel.

Note 1 For the definitions of **equivalent** and **use** and that apply in relation to a MODU — see *Marine Order 1 (Administration) 2013*.

Note 2 The effect of this provision is that: (a) for a SOLAS certificate, the application for the approval may only relate to survey arrangements mentioned in Subdivision 2.3 and Schedule 1; and (b) for a non-SOLAS certificate, the application for the approval may only relate to survey arrangements mentioned in Subdivision 2.4 and Schedule 2. However, for a MODU safety certificate, application for the approval is not restricted to survey arrangements.

Division 2 Certificates issued under the Navigation Act

Subdivision 2.1 Various matters about certificates

8 Certificates required

- (1) A regulated Australian vessel of the following kind must have:
 - (a) for a vessel that is a MODU — a MODU safety certificate;
 - (b) for a vessel required under Regulation 12 of Chapter I of SOLAS to be issued a certificate— a corresponding certificate specified in Schedule 1;
 - (c) for a vessel not required under Regulation 12 of Chapter I of SOLAS to be issued a certificate or a cargo vessel <500 GT — a certificate specified in Schedule 2.
- (2) A certificate mentioned in this section is specified as a safety certificate.
- (3) A certificate specified in Schedule 1 is also referred to as a SOLAS certificate in this Marine Order.
- (4) A certificate specified in Schedule 2 is also referred to as a non-SOLAS certificate in this Marine Order.

9 Applying for certificates

- (1) For section 99(1) of the Navigation Act, the following certificates are specified as safety certificates for which a person may apply:
 - (a) MODU safety certificate;
 - (b) each certificate mentioned in Schedule 1;
 - (c) each certificate mentioned in Schedule 2.
- (2) Division 3 of *Marine Order 1 (Administration) 2013*, other than section 17, applies to an application to AMSA for a certificate mentioned in subsection (1).

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Note 1 An issuing body may issue a safety certificate under section 100 of the Navigation Act.

Note 2 Division 3 of *Marine Order 1 (Administration) 2013* prescribes some general rules about the making and determination of various kinds of applications. Section 17 of that Marine Order provides for internal review of decisions about applications. That section does not apply to decisions about safety certificates because those decisions are reviewable by the Administrative Appeals Tribunal — see subsection 313(1) of the Navigation Act.

Subdivision 2.2 MODU safety certificates

10 Criteria for the issue of MODU safety certificates

For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of a MODU safety certificate are the following:

- (a) the vessel is a MODU;
- (b) if the vessel has an arrangement with a classification society for survey and inspection — a valid certificate of classification; and
- (c) the vessel has completed an initial or renewal survey conducted by an issuing body in accordance with the MODU Code that applies to the vessel;
- (d) the vessel meets the standards, including arrangements, mentioned in the MODU Code that applies to the vessel.

11 Conditions of MODU safety certificates

For paragraph 100(2)(a) of the Navigation Act, a MODU safety certificate is subject to the conditions that:

- (a) the survey of the vessel, and inspection of the outside of the bottom of the vessel, is conducted by an issuing body in accordance with the MODU Code that applies to the vessel; and
- (b) the certificate is endorsed following the completion of the annual survey, intermediate survey or inspection of the outside of the bottom of the vessel in accordance with the MODU that applies to the vessel; and
- (c) the vessel and its equipment are maintained in accordance with the MODU Code that applies to the vessel; and
- (d) the vessel complies with Chapter 14 of the 2009 MODU Code whether or not that Code applies to the vessel; and
- (e) after any survey required by this Marine Order has been completed, any change to the structure, equipment, fittings, arrangements or material covered by the survey, other than the direct replacement of equipment or fittings, is approved by AMSA.

Note An issuing body may impose other conditions on a safety certificate — see paragraph 100(2)(b) of the Navigation Act.

12 Endorsements of MODU safety certificates

An issuing body may make an endorsement to a MODU safety certificate following the completion of any survey, or inspection of the outside of the vessel's bottom.

Note It is practice for an issuing body endorsing a certificate to be the same as the issuing body that originally issued the certificate.

13 Duration of MODU safety certificates

- (1) A MODU safety certificate comes into force in accordance with the MODU Code that applies to the vessel.
- (2) A MODU safety certificate remains in force for 5 years unless:
 - (a) a shorter period is specified in the certificate; or
 - (b) the certificate ceases to be in force in accordance with the MODU Code that applies to the vessel.

14 Variation of MODU safety certificates

For section 101 of the Navigation Act, the criteria for variation of a MODU safety certificate are:

- (a) the conditions on the certificate have been complied with; and
- (b) the variation is in accordance with the MODU Code that applies to the vessel.

Note A variation may appear in the form of an endorsement on a certificate.

Subdivision 2.3 SOLAS certificates**15 Criteria for issue of SOLAS certificates**

For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of a SOLAS certificate are:

- (a) for a certificate of a kind specified in Schedule 1 — those mentioned for the certificate in that schedule; and
- (b) if the vessel has an arrangement with a classification society for survey and inspection — a valid certificate of classification; and
- (c) if the vessel has fitted a fixed diving system constructed after 23 November 1995 — the vessel has a diving safety certificate issued by a recognised organisation in accordance with the *Code of Safety for Diving Systems, 1995*.

16 Conditions of SOLAS certificates

For paragraph 100(2)(a) of the Navigation Act, a SOLAS certificate is subject to the conditions mentioned in Schedule 1 for the kind of certificate specified in that schedule.

Note An issuing body may impose other conditions on a safety certificate — see paragraph 100(2)(b) of the Navigation Act.

17 Endorsements of SOLAS certificates

An issuing body may make an endorsement to a SOLAS certificate following the completion of any survey, or inspection of the outside of the bottom of the vessel.

Note 1 It is practice for an issuing body endorsing a certificate to be the same as the issuing body that originally issued the certificate.

Note 2 See the following regulations of Chapter I of SOLAS for information about required endorsements — Regulation 8(c) for endorsement of Cargo Ship Safety Certificates, Regulation 9(c) for endorsement of Cargo Ship Safety Radio Certificates, and Regulation 10(c) for endorsement of Cargo Ship Safety Construction Certificates.

18 Duration of SOLAS certificates

- (1) A SOLAS certificate comes into force, and ceases to be in force, in accordance with Regulation 14 of Chapter I of SOLAS.
- (2) A SOLAS certificate remains in force for the period mentioned in the following table for the kind of certificate mentioned unless:
 - (a) a shorter period is specified in the certificate; or
 - (b) the certificate ceases to be in force in accordance with Regulation 14 of Chapter I of SOLAS.

| Kind of certificate (SOLAS) | Maximum duration period |
|--|-------------------------|
| Passenger Ship Safety Certificate | 1 year |
| Cargo Ship Safety Construction Certificate | 5 years |
| Cargo Ship Safety Equipment Certificate | 5 years |
| Cargo Ship Safety Radio Certificate | 5 years |
| Cargo Ship Safety Certificate | 5 years |

19 Criteria for variation of SOLAS certificates

For subsection 101(1) of the Navigation Act, the criteria for variation of a SOLAS certificate are that:

- (a) the conditions on the certificate issued for the vessel have been complied with; and
- (b) the variation is in accordance with Regulation 14 of Chapter I of SOLAS.

Note A variation may appear in the form of an endorsement on a certificate.

20 Criteria for revocation of SOLAS certificates

For section 102 of the Navigation Act, the criteria for revocation of a SOLAS certificate are that:

- (a) a condition of the certificate has been, or is likely to be, breached; or
- (b) the owner of the vessel for which the certificate is issued has requested the revocation; or
- (c) the certificate contains incorrect information.

Subdivision 2.4 Non-SOLAS certificate

21 Criteria for non-SOLAS certificates

For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of a non-SOLAS certificate are:

- (a) those mentioned for the certificate specified in Schedule 2; and
- (b) for a cargo vessel >300 GT — it has a Cargo Ship Safety Radio Certificate; and
- (c) if the vessel has an arrangement with a classification society for survey and inspection — the vessel has a valid certificate of classification; and

- (d) if the vessel has fitted a fixed diving system constructed after 23 November 1995 — the vessel has a diving safety certificate issued by a recognised organisation in accordance with the *Code of Safety for Diving Systems, 1995*.

22 Conditions of non-SOLAS certificates

For paragraph 100(2)(a) of the Navigation Act, a non-SOLAS certificate is subject to:

- (a) the conditions mentioned for the certificate specified in Schedule 2; and
- (b) the requirement for the certificate to be endorsed following the completion of the annual survey, intermediate survey or inspection of the outside of the bottom of the vessel.

Note An issuing body may impose other conditions on a safety certificate — see paragraph 100(2)(b) of the Navigation Act.

23 Endorsements of non-SOLAS certificates

The issuing body may endorse a non-SOLAS certificate following the completion of the annual survey, intermediate survey or inspection of the outside of the bottom of a vessel.

Note It is practice for an issuing body endorsing a certificate to be the same as the issuing body that originally issued the certificate.

24 Duration of non-SOLAS certificates

- (1) A certificate comes into force on the day specified in the certificate, and if no day is so specified, on the day which it is issued.
- (2) However, for a vessel that has an existing non-SOLAS certificate that has not expired, the new certificate comes into force on completion of the renewal survey.
- (3) A non-SOLAS certificate remains in force for the period specified in the following table for the kind of certificate mentioned unless a shorter period is specified in the certificate.

| Kind of certificate (non-SOLAS) | Maximum duration period |
|--|---------------------------|
| Certificate of Survey for a Passenger Vessel | 1 year from day of issue |
| Certificate of Survey for a Cargo Vessel* | 5 years from day of issue |

*The certificate may be issued in parts corresponding to the areas that would be covered by SOLAS certification, ie, Safety Construction, Safety Equipment and Safety Radio.

- (4) A non-SOLAS certificate ceases to be in force if:
 - (a) the vessel ceases to be registered in Australia; or
 - (b) any survey or inspection is not completed within the periods specified in accordance with this Marine Order; or
 - (c) the certificate is not endorsed in accordance with this Marine Order; or
 - (d) the certificate is replaced by re-issue.

25 Criteria for variation of non-SOLAS certificates

- (1) For subsection 101(1) of the Navigation Act, the criteria for variation of a non-SOLAS certificate are:
 - (a) the conditions on the certificate issued for the vessel have been complied with; and
 - (b) if the variation is an extension of the expiry date of the certificate — the vessel is of a kind mentioned in subsection (2); and
 - (c) if the variation is for the harmonisation of survey frequency for a vessel that has both a Certificate of Survey for a Passenger Vessel and Certificate of Survey for a Cargo Vessel:
 - (i) the operational area stated on the Certificate of Survey for a Passenger Vessel is more restricted than the operational area stated on the Certificate of Survey for a Cargo Vessel; and
 - (ii) AMSA is satisfied that the replacement survey frequency is at least as effective as the survey frequency required under this Marine Order for a Certificate of Survey for a Passenger Vessel.

Note A variation may also appear in the form of an endorsement on a certificate.

- (2) AMSA may extend the expiry date of a non-SOLAS certificate for the period and subject to the conditions specified in the following table.

| Item | Kind of vessel | Period | Conditions |
|-------------|---|---|--|
| 1 | A vessel that is not in the port where it is to be surveyed when the certificate expires | (a) A passenger vessel that is not self propelled and is engaged on short international voyages — up to 1 month from certificate expiry (b) Other vessels — 3 months from certificate expiry | (a) The vessel must travel only to the port where it is to be surveyed (b) The vessel must not leave the port where it is surveyed without a new certificate of the same kind |
| 2 | A cargo or passenger vessel that has completed a renewal survey but the new certificate cannot be issued or placed on board the vessel before expiry date of the existing certificate | Up to 5 months from certificate expiry | The existing certificate must be endorsed by the issuing body |
| 3 | A passenger vessel with certificate issued for a period less than 5 years | Up to 5 years from certificate commencement | Surveys and inspections are completed in accordance with this Marine Order as if the vessel were a cargo vessel |

| Item | Kind of vessel | Period | Conditions |
|------|---|---|--|
| 4 | A cargo vessel with a certificate issued for a period less than 5 years | Up to 5 years from certificate commencement | Surveys and inspections are completed in accordance with this Marine Order |

Note For the meaning of *short international voyage* — see Regulation 3 of Chapter III of SOLAS.

- (3) If an annual, intermediate or periodical survey of a vessel is completed before the period required by this Marine Order:
- the anniversary date shown on the certificate may be amended by endorsement to a date that must not be more than 3 months later than the date when the survey was completed; and
 - the subsequent annual, intermediate or periodic survey required by this Marine Order must be completed using the new anniversary date; and
 - the expiry date may remain unchanged if at least 1 annual, intermediate or periodical survey is completed so that the maximum intervals between the surveys mentioned in this Marine Order are not exceeded.

26 Criteria for revocation of non-SOLAS certificates

For section 102 of the Navigation Act, the criteria for revocation of a non-SOLAS certificate are that:

- a condition of the certificate has been, or is likely to be, breached; or
- the owner of the vessel for which the certificate is issued has requested the revocation; or
- the certificate contains incorrect information.

Division 3 Requirements for foreign vessels

27 Foreign vessels

- A foreign vessel must:
 - have any certificate that is required by Regulation 12 of Chapter I of SOLAS; and
 - comply with SOLAS to the extent that it is required to do so by the Administration of the country in which the vessel is registered.
- However, a foreign vessel that is not required to be issued a certificate in accordance with Regulation 12 of Chapter I of SOLAS must:
 - have at least 1 certificate, or other documentary evidence issued by or on behalf of the country in which it is registered, that:
 - attests to the vessel's seaworthiness; and
 - includes details of the vessel's areas of operation, equipment and manning requirements; and
 - comply with the requirements of the Administration of the country in which it is registered.

Division 4 Notification and reporting matters

28 Notification of planned tows

- (1) The owner or master of a vessel that is to tow or be towed in a planned tow must ensure that, at least 7 days before the tow commences, AMSA is notified of the planned tow.

Note 1 For the definition of *planned tow* — see section 4.

Note 2 For a planned tow, notification might be made by the registered agent, the operator of the towing vessel, or the P&I insurer.

Note 3 For guidance about planning safe tows — see IMO Circular MSC.1/Circ.884 *Guidelines for safe ocean towing*.

Note 4 For ways of contacting AMSA — see AMSA's website at <http://www.amsa.gov.au>.

- (2) AMSA may require further information about the planned tow.

Examples of information

1. Vessel stability information
2. A towing survey report
3. Seafarer certificates of competency and experience in undertaking a tow
4. Vessel certificates

- (3) AMSA may:

- (a) conduct, or arrange for the conduct of, a towing assessment for the planned tow; or
- (b) impose conditions on the planned tow.

Note 1 For the definition of *towing assessment* — see section 4.

Note 2 An inspector may issue a prohibition notice about the conduct of the planned tow if the inspector believes on reasonable grounds that it would involve a serious risk to the health or safety of a person — see section 267 of the Navigation Act. An inspector may issue directions if the inspector believes a person is not complying with the Act — see section 264 of the Act.

29 Notification of alterations, major renewal or repair on vessel

- (1) For paragraph 105(1)(c) of the Navigation Act, the period within which AMSA and each issuing body must be informed of an alteration to a regulated Australian vessel is within 7 days of making the alteration.

Note 1 Section 105 of the Navigation Act provides an obligation to notify alterations of regulated Australian vessels that affect the safety certificates that the vessel is required to have.

Note 2 For ways of contacting AMSA — see AMSA's website at <http://www.amsa.gov.au>.

- (2) The owner or master of a regulated Australian vessel must also inform AMSA and the issuing body of the details of any major renewal or major repair on the vessel within 7 days of completion of the renewal or repair.

Note Sections 185 and 186 of the Navigation Act also impose an obligation on an owner and master for the reporting of marine incidents to AMSA. Section 23A of *Marine Order 1 (Administration) 2013* prescribes matters in relation to reports for sections 185 and 186.

30 Reporting of defects on a regulated Australian vessel

- (1) If a defect is discovered on a regulated Australian vessel, the defect must be reported:
- (a) at the earliest opportunity to AMSA; and
 - (b) for a MODU — immediately to the appropriate authority of the coastal state in whose jurisdiction the vessel is located; and

- (c) if the vessel is in port of another SOLAS Contracting Government — immediately to the appropriate authority of the SOLAS Contracting Government.
- (2) In subsection (1):

defect has the meaning given by Regulation 11(c) of Chapter I of SOLAS.

Note 1 An approved form for the reporting of defects to AMSA is available on AMSA's website at <http://www.amsa.gov.au/forms>.

Note 2 Under section 185 of the Navigation Act, the owner of a vessel must also report marine incidents to AMSA. Under section 186 of the Navigation Act, the master of a vessel must report marine incidents to AMSA. Section 23A of *Marine Order 1 (Administration) 2013* prescribes matters in relation to reports for sections 185 and 186.

Division 5 Approval matters

31 Approval of in-water inspections

- (1) The owner of a vessel may apply to AMSA for approval of an in-water inspection to replace any of the dry-dock inspections required under this Marine Order.

Note 1 For a SOLAS certificate, the effect of Regulations 7 and 10 of Chapter I of SOLAS and the *Survey Guidelines under the Harmonised System of Survey and Certification*, as amended is that a vessel is required to have 2 dry-dock inspections in the applicable validity period of its SOLAS certificate or International Load Lines Certificate.

Note 2 For a non-SOLAS certificate, the dry-dock inspection requirements are mentioned in the *Survey Guidelines under the Harmonised System of Survey and Certification*, as amended.

- (2) The application for approval must be made in accordance with *Marine Order 1 (Administration) 2013*.

Note *Marine Order 1 (Administration) 2013* requires a supporting statement setting out the grounds of the application. It also provides that if a fee is charged the application must be accompanied by the prescribed fee and, if a form is approved for the application, the approved form must be used.

- (3) AMSA may approve inspection of the outside of the bottom of the vessel to be conducted in-water, in lieu of a dry-dock inspection, if AMSA is satisfied that the in-water inspection is at least as effective as a dry-dock inspection.

Note For passenger vessels, AMSA may take into account *Guidelines for the assessment of technical provisions for the performance of an in-water survey in lieu of bottom inspection in dry-dock to permit one dry-dock examination in any five-year period for passenger ships other than ro-ro passenger ships* (MSC.1/Circ.1348).

- (4) An approval is subject to conditions imposed by AMSA.

Note Failure to meet any condition imposed on an approval of an in-water survey will result in an obligation for the owner or master to comply with dry-dock requirements required under this Marine Order.

Schedule 1 SOLAS certificates — criteria for issue and conditions

(sections 5, 8, 9, 15, 16 and 21)

1.1 Passenger Ship Safety Certificate

| Criteria | Conditions |
|--|---|
| The vessel: | (1) The vessel and its equipment and appliances are maintained to comply with the Marine Orders specified in column 1. |
| (a) has been surveyed in accordance with Regulation 7 of Chapter I of SOLAS and <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> , as amended; and | (2) Each survey of the vessel that is required by Regulation 7 of Chapter I of SOLAS is completed in accordance with that regulation and the <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> , as amended. |
| (b) complies with the following Marine Orders: | (3) After any survey mentioned in Regulation 7 of Chapter I of SOLAS has been completed, any proposed change to the structure, equipment, systems, fittings, arrangements or material covered by the survey, other than the direct replacement of equipment or fittings, is approved by AMSA. |
| (i) <i>Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2016;</i> | |
| (ii) <i>Marine Order 15 (Construction — fire protection, fire detection and fire extinction) 2014;</i> | |
| (iii) <i>Marine Order 21 (Safety and emergency arrangements) 2016;</i> | |
| (iv) <i>Marine Order 25 (Equipment — lifesaving) 2014;</i> | |
| (v) <i>Marine Order 27 (Safety of navigation and radio equipment) 2016;</i> | |
| (vi) <i>Marine Order 30 (Prevention of collisions) 2016.</i> | |

1.2 Cargo Ship Safety Construction Certificate

| Criteria | Conditions |
|---|--|
| The vessel: | (1) The vessel and its equipment and appliances are maintained to comply with the Marine Orders specified in column 1. |
| (a) has been surveyed in accordance with Regulation 10 of Chapter I of SOLAS and <i>Survey Guidelines under the Harmonised System of Survey</i> | (2) Each survey of the vessel that is required by Regulation 10 of |

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| Criteria | Conditions |
|---|--|
| <p><i>and Certification</i>, as amended; and</p> <p>(b) complies with following Marine Orders:</p> <p>(i) <i>Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2016;</i></p> <p>(ii) <i>Marine Order 15 (Construction — fire protection, fire detection and fire extinction) 2014.</i></p> | <p>Chapter I of SOLAS is completed in accordance with that regulation and <i>Survey Guidelines under the Harmonised System of Survey and Certification</i>, as amended.</p> <p>(3) Any endorsement required to be made to the certificate under Regulation 10 or 14 of Chapter I of SOLAS are made.</p> <p>(4) After any survey mentioned in Regulation 10 of Chapter I of SOLAS has been completed, any change to the structure, equipment, systems, fittings, arrangements or material covered by the survey, other than the direct replacement of equipment or fittings, is approved by AMSA.</p> |

1.3 Cargo Ship Safety Equipment Certificate

| Criteria | Conditions |
|--|--|
| <p>The vessel:</p> <p>(a) has been surveyed in accordance with Regulation 8 of Chapter I of SOLAS and <i>Survey Guidelines under the Harmonised System of Survey and Certification</i>, as amended; and</p> <p>(b) complies with the following Marine Orders:</p> <p>(i) <i>Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2016;</i></p> <p>(ii) <i>Marine Order 15 (Construction — fire protection, fire detection and fire extinction) 2014;</i></p> <p>(iii) <i>Marine Order 21 (Safety and emergency arrangements) 2016;</i></p> <p>(iv) <i>Marine Order 25 (Equipment — lifesaving) 2014;</i></p> | <p>(1) The vessel and its equipment and appliances are maintained to comply with the Marine Orders specified in column 1.</p> <p>(2) Each survey of the vessel that is required by Regulation 8 of Chapter I of SOLAS is completed in accordance with that regulation and <i>Survey Guidelines under the Harmonised System of Survey and Certification</i>, as amended.</p> <p>(3) Any endorsement required to be made to the certificate under Regulation 8 or 14 of Chapter I of SOLAS is made.</p> <p>(4) After any survey mentioned in Regulation 8 of Chapter I of SOLAS has been completed, any change to the structure, equipment, systems, fittings, arrangements or material covered by the survey, other</p> |

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| | |
|---|--|
| (v) <i>Marine Order 30 (Prevention of collisions) 2016.</i> | than the direct replacement of equipment or fittings, is approved by AMSA. |
|---|--|

1.4 Cargo Ship Safety Radio Certificate

| Criteria | Conditions |
|--|--|
| The vessel: | (1) The vessel and its equipment and appliances are maintained to comply with the Marine Order specified in column 1. |
| (a) has been surveyed in accordance with Regulation 9 of Chapter I of SOLAS and <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> , as amended; and | (2) Each survey of the vessel that is required by Regulation 9 is completed in accordance with that regulation and <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> , as amended. |
| (b) complies with <i>Marine Order 27 (Safety of navigation and radio equipment) 2016.</i> | (3) Any endorsement required to be made to the certificate under Regulation 9 or 14 of Chapter I of SOLAS are made. |
| | (4) After any survey mentioned in Regulation 9 of Chapter I of SOLAS has been completed, any change to the structure, equipment, systems, fittings, arrangements or material covered by the survey, other than the direct replacement of equipment or fittings, is approved by AMSA. |

1.5 Cargo Ship Safety Certificate

| Criteria | Conditions |
|--|--|
| The vessel: | (1) The vessel and its equipment and appliances are maintained to comply with the Marine Orders specified in column 1. |
| (a) has been surveyed in accordance with Regulations 8, 9 and 10 of Chapter I and <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> , as amended; and | (2) Each survey of the vessel that is required by Regulation 8, 9 or 10 of Chapter I of SOLAS is completed in accordance with that regulation and <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> , as amended. |
| (b) complies with the following Marine Orders: | |
| (i) <i>Marine Order 12 (Construction — subdivision</i> | |

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| | |
|---|---|
| <p><i>and stability, machinery and electrical installations) 2016;</i></p> <p>(ii) <i>Marine Order 15 (Construction — fire protection, fire detection and fire extinction) 2014;</i></p> <p>(iii) <i>Marine Order 21 (Safety and emergency arrangements) 2016;</i></p> <p>(iv) <i>Marine Order 25 (Equipment — lifesaving) 2014;</i></p> <p>(v) <i>Marine Order 27 (Safety of navigation and radio equipment) 2016;</i></p> <p>(vi) <i>Marine Order 30 (Prevention of collisions) 2016.</i></p> | <p>(3) Any endorsement required to be made to the certificate under Regulations 8, 9, 10 and 14 of Chapter I of SOLAS is made.</p> <p>(4) After any survey mentioned in Regulations 8, 9 and 10 of Chapter I of SOLAS has been completed, any change to the structure, equipment, systems, fittings, arrangements or material covered by the survey, other than the direct replacement of equipment or fittings, is approved by AMSA.</p> |
|---|---|

Schedule 2 Non-SOLAS certificates — criteria for issue and conditions

(sections 5, 8, 9, 21 and 22)

2.1 Certificate of Survey for a Passenger Vessel

| Criteria | Conditions |
|---|---|
| The vessel: | (1) The vessel and its equipment and appliances are maintained to comply with the Marine Orders specified in column 1. |
| (a) has completed an initial survey or renewal survey mentioned in the <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> , as amended, as if surveyed for a Passenger Ship Safety Certificate; and | (2) Completes each survey or inspection mentioned in the <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> , as amended, as if surveyed for a Passenger Ship Safety Certificate. |
| (b) complies with the following Marine Orders: | (3) Any endorsement required to be made to the certificate under this Order is made. |
| (i) <i>Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2016</i> ; | (4) After any survey required by this Marine Order has been completed, any proposed change to the structure, equipment, systems, fittings, arrangements or material covered by the survey, other than the direct replacement of equipment or fittings, is approved by AMSA. |
| (ii) <i>Marine Order 15 (Construction — fire protection, fire detection and fire extinction) 2014</i> ; | |
| (iii) <i>Marine Order 21 (Safety and emergency arrangements) 2016</i> ; | |
| (iv) <i>Marine Order 25 (Equipment — lifesaving) 2014</i> ; | |
| (v) <i>Marine Order 27 (Safety of navigation and radio equipment) 2016</i> ; | |
| (vi) <i>Marine Order 30 (Prevention of collisions) 2016</i> ; | |
| (vii) <i>Marine Order 58 (Safe management of vessels) 2015</i> as if it were a vessel to which Chapter IX of SOLAS applies. | |

2.2 Certificate of Survey for a Cargo Vessel

| Criteria | Conditions |
|--|--|
| The vessel has: | (1) The vessel and its equipment and appliances are maintained to comply with the Marine Orders specified in column 1. |
| (a) has completed an initial or renewal survey mentioned in the <i>Survey Guidelines under the Harmonised System of Survey</i> | |

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| Criteria | Conditions |
|---|--|
| <p><i>and Certification</i>, as amended, as if surveyed for a Cargo Ship Safety Certificate; and</p> <p>(b) complies with the following Marine Orders:</p> <p>(i) <i>Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2016</i>;</p> <p>(ii) <i>Marine Order 15 (Construction — fire protection, fire detection and fire extinction) 2014</i>;</p> <p>(iii) <i>Marine Order 21 (Safety and emergency arrangements) 2016</i>;</p> <p>(iv) <i>Marine Order 25 (Equipment — lifesaving) 2014</i>;</p> <p>(v) <i>Marine Order 27 (Safety of navigation and radio equipment) 2016</i>;</p> <p>(vi) <i>Marine Order 30 (Prevention of collisions) 2016</i>.</p> <p>The owner of the vessel who has agreed to take over all the duties and responsibilities imposed by the ISM Code (in the ISM Code called the Company) has given the issuing body a written declaration that there is in place for the vessel a safety management system that complies with Part A of the ISM Code, as if it were a vessel to which Chapter IX of SOLAS applies.</p> | <p>(2) Completes each survey or inspection mentioned in the <i>Survey Guidelines under the Harmonised System of Survey and Certification</i>, as amended, as if surveyed for a Cargo Ship Safety Certificate.</p> <p>(3) Any endorsement required to be made to the certificate under this Order is made.</p> <p>(4) After any survey required by this Marine Order has been completed, any change to the structure, equipment, systems, fittings, arrangements or material covered by the survey, other than the direct replacement of equipment or fittings, must be approved by AMSA.</p> <p>(5) There is in place for the vessel a safety management system that is applied on the vessel in accordance with the ISM Code and the ISM Guidelines.</p> <p><i>Note</i> The safety management system may include the towing arrangement for any towed barge >10 m in length if the barge:</p> <p>(a) is not self-propelled; and</p> <p>(b) has no crew or passengers; and</p> <p>(c) does not carry oil or noxious substances; and</p> <p>(d) does not produce oil residues; and</p> <p>(e) has no arrangement for sewage.</p> |

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>.