



# ***MARINE ORDERS***

## ***Part 14***

### ***Accommodation***

#### ***Issue 1 – Amendment***

**Order No 8 of 1992**

**Pursuant to Section 425(1AA) of the *Navigation Act 1912*, I hereby make this Order amending Marine Orders, Part 14, Issue 1 by omitting pages 1 to 6 (inclusive), and substituting the attached pages 1 to 6 to come into operation on 1 June 1992.**

**P M McGrath  
Chief Executive  
14 May 1992**

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Issue 1, Order No 5 of 1990

## 1 Interpretation

### 1.1 Definitions

In this Part, unless a contrary intention appears, the following definitions apply:

**agreement** means an agreement that meets the requirements of section 46 of the Navigation Act;

**Assistant Manager** means the Assistant Manager (Marine Personnel and Operations) in the Authority;

**Authority** means the Australian Maritime Safety Authority;

**crew accommodation** includes sleeping rooms, mess rooms, catering facilities, recreation rooms and facilities, store rooms, sanitary and lavatory accommodation provided for the use of the crew;

**operator**, in relation to a ship, means the person having day-to-day control over the employment of the ship;

**owner**, in relation to a ship, means the person to whose order the ship is to be constructed, altered or reconstructed;

**prescribed person**, in relation to a request for inspection of crew accommodation, means the surveyor in charge of marine surveys for the Authority at the port at which the ship is located at the time of the request;

**re-registered** means re-registered on the occasion of a simultaneous change in both the place of registration and the ownership of the ship; and

**surveyor** means a person appointed under section 190 of the Navigation Act

### 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.

## 2 Purpose

This Part prescribes:

- (a) for the purpose of section 136 of the Navigation Act, the accommodation (including hospital accommodation) to be provided for the master, officers and crew of a ship; and
- (b) for the purpose of section 270 of the Navigation Act, the number of passengers that may be carried on a ship and their accommodation (including hospital accommodation).

### 3 Application

This Part applies:

- (a) to a ship to which Division 15 of Part II of the Navigation Act applies; and
- (b) by virtue of sub-section 136(4) of the Navigation Act, and subject to sub-section 136(5) of the Navigation Act, to a ship referred to in paragraph 2(1)(a) of the Navigation Act.

### 4 Accommodation for crew

#### 4.1 Plans

**4.1.1** The owner of a ship to be constructed must:

- (a) before the construction of the ship commences, cause to be submitted to the Assistant Manager a plan of the ship, on a scale not smaller than 1 in 200, showing the proposed location and general arrangement of the crew accommodation; and
- (b) before the construction of the crew accommodation is commenced, cause to be submitted to the Assistant Manager plans of the proposed crew accommodation, on a scale not smaller than 1 in 50, showing clearly:
  - (i) the purpose for which each space in the crew accommodation is to be used;
  - (ii) the proposed disposition of furniture and fittings;
  - (iii) the proposed arrangements for ventilation, lighting and heating; and
  - (iv) the sanitary arrangements.

**4.1.2** The owner of a ship the crew accommodation of which is being altered or reconstructed must, before the alteration or reconstruction commences, cause to be submitted to the Assistant Manager plans of the proposed crew accommodation, on a scale not smaller than 1 in 50, showing clearly:

- (a) the purpose for which each space in the crew accommodation is to be used;
- (b) the proposed disposition of furniture and fittings;
- (c) the proposed arrangements for ventilation, lighting and heating; and
- (d) the sanitary arrangements.

**4.1.3** Where an alteration or reconstruction is carried out at a place outside Australia and the alteration or reconstruction is:

- (a) temporary; or
- (b) carried out as a consequence of an emergency or an accident,

the plans referred to in 4.1.2 may be submitted as soon as practicable.

**4.1.4** Provisions 4.1.1 and 4.1.2 do not apply if plans meeting the requirements of 4.1.1 or 4.1.2, as appropriate, have been or are to be submitted for the purposes of and in accordance with Marine Orders, Part 31 (Ship Surveys and Certification).

**4.1.5** If the plans indicate that the proposed construction, alteration or reconstruction does not accord with the standards set out in this Part, the Assistant Manager must:

- (a) inform the owner of the fact; and
- (b) unless the Assistant Manager is satisfied that appropriate modifications to the plan are made or are to be made, inform the Marine Council as soon as practicable of the fact.

*Note: The Assistant Manager will, on request, certify that proposed crew accommodation meets the requirements of this Part. An owner requiring this service will need to supply an additional copy of the plan and pay such fee as is specified.*

## **4.2 Standards to be applied**

**4.2.1** The crew accommodation, other than hospital accommodation, of a ship other than:

- (a) a ship of less than 500 gross tonnage;
  - (b) a ship the keel of which was laid or the construction of which was otherwise commenced before 21 April 1954;
  - (c) a ship primarily propelled by sail; or
  - (d) a fishing vessel or ship engaged in whaling or similar pursuits,
- must comply with the requirements of Appendix 1.

**4.2.2** The crew accommodation, other than hospital accommodation, of a ship other than:

- (a) a ship of less than 1,000 gross tonnage;
  - (b) a ship the keel of which was laid or the construction of which was otherwise commenced before 15 March 1977;
  - (c) a ship primarily propelled by sail;
  - (d) a fishing vessel or ship engaged in whaling or similar pursuits; or
  - (e) dynamically supported craft,
- must also comply with the requirements of Appendix 2.

*Note: Where reasonable and practicable, ships of less than 500 gross tonnage should apply the standards set out in Appendix 1 and ships of less than 1,000 gross tonnage should apply the standards set out in Appendix 2.*

## **4.3 Use of crew accommodation**

No part of the crew accommodation provided under this Part is to be appropriated for use by passengers.

## **5 Hospital accommodation**

### **5.1 Hospital accommodation to be provided**

A ship, other than a ship that is ordinarily on a route where it can, at any time, reach a port within 48 hours, must be provided with hospital accommodation in accordance with Appendix 3.

### **5.2 Use of hospital accommodation**

Where hospital accommodation is required in accordance with 5.1, it must not be used for a purpose other than the treatment of sick or injured persons.

## **6 Variation of requirements**

### **6.1 Variations may be proposed**

Notwithstanding 4.1.5, 4.2 and 5, the owner of a ship may, in relation to that ship, propose variations to the requirements set out in the Appendices.

### **6.2 Determination of variations**

**6.2.1** If the Assistant Manager is satisfied that the variations proposed in accordance with 6.1 provide corresponding advantages as a result of which the overall conditions of the crew accommodation of the ship will not be less favourable than would result from applying the requirements of this Part, that officer may, subject to 6.2.2, determine the requirements of this Part to be so varied.

**6.2.2** The Assistant Manager must not make a determination under 6.2.1 unless:

- (a) the view of the Marine Council on the proposed variation or variations has been obtained; or
- (b) the view of the Marine Council has been previously obtained on a similar variation or variations.

## **7 Passengers**

Accommodation and sanitary arrangements must be provided for passengers on board a passenger ship in accordance with Part II of Sub-section E of Section 5 of the Uniform Shipping Laws Code.

## **8 Maintenance and cleanliness**

### **8.1 Accommodation to be clean and well-maintained**

**8.1.1** Crew and hospital accommodation must be maintained in a clean and habitable condition and all equipment and installations required by this Part must be maintained in good working order.

**8.1.2** Every part of the crew accommodation, not being a store room, must be kept free of stores and other property not belonging to, or provided for the use of, persons for whom that part of the accommodation is allocated.

## 8.2 Inspections

**8.2.1** The master or an officer appointed by the master for the purpose must, at intervals not exceeding 7 days:

- (a) inspect every part of the crew and hospital accommodation of the ship;
- (b) be accompanied on the inspection by at least one member of the crew; and
- (c) cause to be entered in the ship's official log book a record of:
  - (i) the date and time of the inspection;
  - (ii) the names of the persons making the inspection; and
  - (iii) particulars of any deficiencies found.

**8.2.2** The crew accommodation of a ship must be inspected by a surveyor whenever:

- (a) the ship is registered or re-registered;
- (b) all or part of the crew accommodation undergoes substantial alteration or repair, and
- (c) a request for an inspection has been made to a prescribed person, in sufficient time to avoid delay in the sailing of the ship, by or on behalf of the operator of the ship or by an official of an organisation of seamen registered under the *Industrial Relations Act 1988*,

and any deficiencies found by the surveyor must be reported to the master of the ship and the Assistant Manager.

## 9 Offences

### 9.1 Penal provisions

Provisions 4.1.1, 4.1.2, 4.3, 5.2, 7, 8.1.1, 8.1.2 and 8.2.1 are penal provisions.

### 9.2 Persons responsible

**9.2.1** Failure to comply with provisions 4.1.1, 4.1.2 or 7 is an offence by the owner of the ship.

**9.2.2** Failure to comply with provisions 5.2, 8.1.2 or 8.2.1 is an offence by the master of the ship.

**9.2.3** Failure to comply with provisions 4.3, 7, or 8.1.1 is an offence by the operator, agent and master of the ship.

*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, upon 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.'*

## APPENDIX 1

### BASIC REQUIREMENTS

#### CONTENTS

1	Location and construction	7	Washing and change rooms
2	Heating, lighting and ventilation	8	Laundries and drying rooms
3	Sleeping accommodation	9	Supply and discharge of water
4	Mess and recreation rooms	10	Galleys
5	Offices and day rooms	11	Store rooms
6	Sanitary accommodation		

### 1 LOCATION AND CONSTRUCTION

#### 1.1 Location of crew accommodation

**1.1.1** Crew accommodation must be situated amidships or aft, above the winter load line marked on the ship in accordance with Marine Orders, Part 16 (Load Lines).

**1.1.2** In the case of a passenger ship or an offshore industry vessel the crew accommodation may be situated in the fore part of the ship but must not be situated forward of the collision bulkhead.

#### 1.2 Protection against weather, etc.

**1.2.1** The crew accommodation must be arranged and constructed, and situated in such a position, as to ensure:

- (a) the protection of the crew against injury to the greatest practicable extent;
- (b) the protection of the crew accommodation against the weather and the sea;
- (c) the insulation of the crew accommodation from heat and cold;
- (d) the protection of the crew accommodation against moisture due to condensation;
- (e) the exclusion from the crew accommodation of effluvia (including exhaust gases from any area containing sanitary or lavatory equipment) originating in other spaces in the ship;
- (f) the exclusion from the crew accommodation, to the greatest practicable extent, of noise originating in other spaces in the ship; and
- (g) the prevention of the harbouring of vermin.