



Australian Government
Australian Maritime Safety Authority

AMSA MO 2020/[number]

Marine Order 47 (Offshore industry units) Amendment Order 2020

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*.

2020

[DRAFT ONLY — NOT FOR SIGNATURE]
Chief Executive Officer

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Section 1

1 Name of Marine Order

This Marine Order is *Marine Order 47 (Offshore industry units) Amendment Order 2020*.

2 Commencement

This Marine Order commences 1 July 2020.

3 Amendment of *Marine Order*

Schedule 1 amends *Marine Order 47 (Offshore industry units) 2019*.

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Schedule 1 Amendment

[1] Section 11

substitute

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 vessel and its equipment are maintained in accordance with the MODU Code that applies to the vessel; and
- (b) the MODU Code that applies to the vessel and Chapter 14 of the 2009 MODU Code are on board the vessel at all times and available to seafarers; and
- (c) the vessel complies with Chapter 14 of the 2009 MODU Code whether or not that Code applies to the vessel; and
- (d) for any gas cylinder on the vessel — its stowage is:
 - (i) separate from any cylinder of breathing medium for use in diving operations; and
 - (ii) at least 3 m from accommodation areas, the navigating bridge and the radio room; and
- (e) the owner of the vessel can demonstrate that an arrangement for the transfer of personnel by a safe means is implemented on the vessel; and
- (f) the following is available for perusal on the vessel without the need for any seafarer to request access:
 - (i) the determination required under section 51 of the Navigation Act;
 - (ii) any safe manning document determined under subsection 10(2) of *Marine Order 21 (Safety and emergency arrangements) 2016*; and
- (g) 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
- (h) the certificate is endorsed following the completion of the annual survey, intermediate survey or inspection of the outside of the bottom of the vessel; and
- (i) 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 the issuing body.

Note 1 The safe transfer of personnel is an arrangement to be addressed in a vessel's safety management plan. Information on industry best practice is available in the latest editions of *Guidance on the transfer of personnel to and from offshore vessels* (published by IMCA) and *Health and Safety in Shipboard Work, including Offshore Support Vessels* (Seacare Authority Code of Practice Approval). *Marine Order 58 (Safe management of vessels) 2015* sets out operational obligations under the International Safety Management Code for vessels to which Chapter IX of SOLAS applies.

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

[2] After section 14

insert

14A Revocation of MODU safety certificates

For section 102 of the Navigation Act, the criteria for revocation of a MODU safety 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.

[3] Section 16

substitute

16 Conditions of SOLAS certificates

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

- (a) the conditions mentioned in Schedule 1 for the kind of certificate specified in that schedule; and
- (b) the owner of the vessel demonstrating that an arrangement for the transfer of personnel by a safe means is implemented on the vessel; and
- (c) for any gas cylinder on the vessel — its stowage is:
 - (i) separate from any cylinder of breathing medium for use in diving operations; and
 - (ii) at least 3 m from accommodation areas, the navigating bridge and the radio room.

Note 1 The safe transfer of personnel is an arrangement to be addressed in a vessel's safety management plan. Information on industry best practice is available in the latest editions of *Guidance on the transfer of personnel to and from offshore vessels* (published by IMCA) and *Health and Safety in Shipboard Work, including Offshore Support Vessels* (Seacare Authority Code of Practice Approval). *Marine Order 58 (Safe management of vessels) 2015* sets out operational obligations under the International Safety Management Code for vessels to which Chapter IX of SOLAS applies.

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

[4] Section 22

substitute

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

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- (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; and
 - (c) the owner of the vessel demonstrating that an arrangement for the transfer of personnel by a safe means is implemented on the vessel; and
 - (d) for any gas cylinder on the vessel — its stowage is:
 - (i) separate from any cylinder of breathing medium for use in diving operations; and
 - (ii) at least 3 m from accommodation areas, the navigating bridge and the radio room.

Note 1 The safe transfer of personnel is an arrangement to be addressed in a vessel's safety management plan. Information on industry best practice is available in the latest editions of *Guidance on the transfer of personnel to and from offshore vessels* (published by IMCA) and *Health and Safety in Shipboard Work, including Offshore Support Vessels* (Seacare Authority Code of Practice Approval).

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

[5] Paragraph 28(2)(a)(iv)

substitute

- (iv) crew familiarization with responsibilities and duties including:
 - (A) crew training and certification mentioned in IMO Resolution A.1079(28) *Recommendations for the training and certification of personnel on mobile offshore units*; and
 - (B) fire and abandonment drills in accordance with paragraph 13 of Chapter 14 of the 2009 MODU Code; and

[6] Paragraph 28(3)

substitute

- (3) The owner of a vessel that is to be towed in a planned tow must ensure arrangements for a safe towage operation are implemented.
- (4) Arrangements for training and certification mentioned in IMO Resolution A.1079(28) *Recommendations for the training and certification of personnel on mobile offshore units* must also be implemented if seafarers are carried on board.

Note Any regulated Australian vessel that is to be towed in a planned tow may be required to have a manning determination under section 51 of the Navigation Act. See also *Marine Order 21 (Safety and emergency arrangements) 2016* for manning requirements that may apply.

- (5) AMSA may conduct, or arrange for the conduct of, a towing assessment for the planned tow.

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

Note

1. 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>

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