

AMSA REGULATORY CONSULTATION

Draft *Marine Order 47 (Offshore Industry Units) Amendment Order 2020* is open for consultation until Sunday 10 May 2020

We invite you to make your comments on this draft Marine Order Amendment by using the AMSA Maritime Regulation Database at <http://vcbrintra01/MORreview/MarineOrder/ConsultationIndex?viewType=NavigationalActView>

Who does this Order apply to?

Marine Order 47 provides for matters concerning the design, construction, survey and certification of offshore industry units, including floating production, storage and offtake vessels (FPSOs), floating storage units (FSU's) mobile offshore drilling units (MODUs), floating liquefied natural gas facilities (FLNGs), central processing facilities (CPFs) and similar. The Order gives effect to the MODU Code, as amended and other Conventions with which offshore industry units must comply. This Order applies to regulated Australian vessels and foreign vessels.

What are the key changes?

This Amendment Order will change some sections of *Marine Order 47 (Offshore industry units) 2019*.

The main changes are:

- Insertion of provisions outlining the criteria for revoking a MODU safety certificate, which were omitted from the previous Order;
- Reinstatement of provisions requiring that gas cylinders containing breathing media for use in diving operations are stowed separately to gas cylinders containing gas for maintenance purposes;
- Reinstatement of provisions requiring that arrangements for the safe transfer of personnel are implemented;
- Amendment of provisions to clarify that compliance with chapter 14 of the 2009 MODU Code is mandatory, and that a copy of the MODU Code is to be kept on board and available;
- Amendment of provisions relating to the familiarisation and training of personnel on board offshore industry units, manning determinations and minimum safe manning documents.

Commencement

It is intended that these amendments will come into effect from **1 July 2020**.

The table below compares the previous Marine Order 47 (2019) and the new Marine Order 47 Amendment Order (2020).

Existing text of <i>MO47 (Offshore industry units) 2019</i>	Draft text of <i>MO 47 (Offshore industry units) Amendment Order 2020</i>	Notes on changes
Subdivision 2.2 MODU safety certificates	Subdivision 2.2 MODU safety certificates	
<p>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:</p> <ul style="list-style-type: none"> (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; 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 the issuing body. <p><i>Note</i> An issuing body may impose other conditions on a safety certificate — see paragraph 100(2)(b) of the Navigation Act.</p>	<p>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:</p> <ul style="list-style-type: none"> (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 is 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: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (i) the determination required under section 51 of the Navigation Act; (ii) any safe manning document determined under subsection 10(2) of <i>Marine Order 21 (Safety and emergency arrangements) 2016</i>; and (g) the survey of the vessel, and inspection of the outside of the bottom of the vessel, is conducted by an issuing 	<p>Amendment of provisions, intending to clarify that compliance with Chapter 14 (Operations) is mandatory for MODUs, irrespective of which version of the Code they were constructed under; and that a copy of the MODU Code must be carried on board and available to seafarers.</p> <p>Provisions from previous Orders regarding the separation of breathing gas cylinders for use in diving operations from maintenance gas cylinders are reinstated, identified as a regulatory gap.</p> <p>Provision from previous Order regarding safe transfer operations reinstated and expanded to include all aspects of personnel transfers, for improved safety outcomes. An additional note directs operators to the requirements of the ISM code and current industry best practice.</p>

	<p>body in accordance with the MODU Code that applies to the vessel; and</p> <p>(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</p> <p>(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.</p> <p><i>Note 1</i> 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 <i>Guidance on the transfer of personnel to and from offshore vessels</i> (published by IMCA) and <i>Health and Safety in Shipboard Work, including Offshore Support Vessels</i> (Seacare Authority Code of Practice Approval). <i>Marine Order 58 (Safe management of vessels) 2015</i> sets out operational obligations under the International Safety Management Code for vessels to which Chapter IX of SOLAS applies.</p> <p><i>Note 2</i> An issuing body may impose other conditions on a safety certificate — see paragraph 100(2)(b) of the Navigation Act.</p>	<p>Mirror provisions from Marine Order 21 (Safety and emergency arrangements) introduced here, clarifying that all MODUs that have had a manning determination must display that determination, and the associated minimum safe manning document.</p>
<p>14 Variation of MODU safety certificates For section 101 of the Navigation Act, the criteria for variation of a MODU safety certificate are:</p> <p>(a) the conditions on the certificate have been complied with; and</p> <p>(b) the variation is in accordance with the MODU Code that applies to the vessel.</p> <p><i>Note</i> A variation may appear in the form of an endorsement on a certificate.</p>	<p>14 Variation of MODU safety certificates For section 101 of the Navigation Act, the criteria for variation of a MODU safety certificate are:</p> <p>(a) the conditions on the certificate have been complied with; and</p> <p>(b) the variation is in accordance with the MODU Code that applies to the vessel.</p> <p><i>Note</i> A variation may appear in the form of an endorsement on a certificate.</p> <p>14A Revocation of MODU safety certificates For section 102 of the Navigation Act, the criteria for revocation of a MODU safety certificate are that:</p> <p>(a) a condition of the certificate has been, or is likely to be,</p>	<p>Criteria for the revocation of MODU safety certificates were omitted in the previous Order and</p>

	<p>breached; or</p> <p>(b) the owner of the vessel for which the certificate is issued has requested the revocation; or</p> <p>(c) the certificate contains incorrect information.</p>	are reinstated. Sub-division 2.2 is now consistent with the listing of powers within the Navigation Act for issue, variation and revocation of certificates.
<p>Subdivision 2.3 SOLAS certificates</p> <p>16 Conditions of SOLAS certificates</p> <p>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.</p> <p><i>Note</i> An issuing body may impose other conditions on a safety certificate — see paragraph 100(2)(b) of the Navigation Act.</p>	<p>Subdivision 2.3 SOLAS certificates</p> <p>16 Conditions of SOLAS certificates</p> <p>For paragraph 100(2)(a) of the Navigation Act, a SOLAS certificate is subject to:</p> <p>(a) the conditions mentioned in Schedule 1 for the kind of certificate specified in that schedule; and</p> <p>(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</p> <p>(c) for any gas cylinder on the vessel — its stowage is:</p> <p>(i) separate from any cylinder of breathing medium for use in diving operations; and</p> <p>(ii) at least 3 m from accommodation areas, the navigating bridge and the radio room.</p> <p><i>Note 1</i> 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 <i>Guidance on the transfer of personnel to and from offshore vessels</i> (published by IMCA) and <i>Health and Safety in Shipboard Work, including Offshore Support Vessels</i> (Seacare Authority Code of Practice Approval). <i>Marine Order 58 (Safe management of vessels) 2015</i> sets out operational obligations under the International Safety Management Code for vessels to which Chapter IX of SOLAS applies.</p> <p><i>Note 2</i> An issuing body may impose other conditions on a safety certificate — see paragraph 100(2)(b) of the Navigation Act.</p>	<p>As above, provisions for safe personnel transfer arrangements.</p> <p>As above, provisions from previous Orders regarding the separation of breathing gas cylinders for use in diving operations from maintenance gas cylinders are reinstated, identified as a regulatory gap.</p>
<p>Subdivision 2.4 Non-SOLAS certificates</p> <p>22 Conditions of non-SOLAS certificates</p> <p>For paragraph 100(2)(a) of the Navigation Act, a non-SOLAS certificate is subject to:</p>	<p>Subdivision 2.4 Non-SOLAS certificates</p> <p>22 Conditions of non-SOLAS certificates</p> <p>For paragraph 100(2)(a) of the Navigation Act, a non-SOLAS certificate is subject to:</p> <p>(a) the conditions mentioned for the certificate specified in</p>	

<p>(a) the conditions mentioned for the certificate specified in Schedule 2; and</p> <p>(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.</p> <p><i>Note</i> An issuing body may impose other conditions on a safety certificate — see paragraph 100(2)(b) of the Navigation Act.</p>	<p>Schedule 2; and</p> <p>(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</p> <p>(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</p> <p>(d) for any gas cylinder on the vessel — its stowage is:</p> <p>(i) separate from any cylinder of breathing medium for use in diving operations; and</p> <p>(ii) at least 3 m from accommodation areas, the navigating bridge and the radio room.</p> <p><i>Note 1</i> 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 <i>Guidance on the transfer of personnel to and from offshore vessels</i> (published by IMCA) and <i>Health and Safety in Shipboard Work, including Offshore Support Vessels</i> (Seacare Authority Code of Practice Approval).</p> <p><i>Note 2</i> An issuing body may impose other conditions on a safety certificate — see paragraph 100(2)(b) of the Navigation Act.</p>	<p>As above, provisions for safe personnel transfers.</p> <p>As above, provisions from previous Orders regarding the separation of breathing gas cylinders for use in diving operations from maintenance gas cylinders are reinstated, identified as a regulatory gap.</p>
<p>Division 4 Notification and reporting matters</p>	<p>Division 4 Notification and reporting matters</p>	
<p>28 Notification of planned tows</p> <p>(2) The owner or master of a vessel that is to tow in a planned tow must:</p> <p>(a) implement arrangements for a safe towage operation including:</p> <p>(i) completion of satisfactory stability assessment; and</p> <p>(ii) adequate towing equipment; and</p> <p>(iii) appropriate manning; and</p> <p>(iv) crew familiarization with responsibilities and duties; and</p> <p>(v) safe transfer of personnel to and from tow, if applicable; and</p>	<p>28 Notification of planned tows</p> <p>(2) The owner or master of a vessel that is to tow in a planned tow must:</p> <p>(a) implement arrangements for a safe towage operation including:</p> <p>(i) completion of satisfactory stability assessment; and</p> <p>(ii) adequate towing equipment; and</p> <p>(iii) appropriate manning; and</p> <p>(iv) crew familiarization with responsibilities and duties including:</p> <p>(A) crew training and certification mentioned in IMO Resolution A.1079(28) <i>Recommendations for the training and certification of personnel on mobile</i></p>	<p>Provisions amended to clarify the requirements for the training and familiarisation of all personnel</p>

<p>(vi) weather forecasting and assessment of environmental conditions; and</p> <p>(vii) emergency and contingency planning; and</p> <p>(viii) adequate cargo securing, if applicable; and</p> <p>(b) provide any information that AMSA requests in relation to the planned tow.</p> <p><i>Note 1</i> Examples of information are:</p> <ol style="list-style-type: none"> 1. Vessel stability information 2. A towing survey report 3. Seafarer certificates of competency and experience in undertaking a tow 4. Vessel certificates. <p><i>Note 2</i> 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 also issue directions if the inspector believes a person is not complying with requirements — see section 264 of the Act.</p> <p>(3) AMSA may conduct, or arrange for the conduct of, a towing assessment for the planned tow.</p> <p><i>Note</i> For the definition of towing assessment — see section 4.</p>	<p><i>offshore units; and</i></p> <p>(B) fire and abandonment drills in accordance with paragraph 13 of Chapter 14 of the 2009 MODU Code; and</p> <p>(v) safe transfer of personnel to and from tow, if applicable; and</p> <p>(vi) weather forecasting and assessment of environmental conditions; and</p> <p>(vii) emergency and contingency planning; and</p> <p>(viii) adequate cargo securing, if applicable; and</p> <p>(b) provide any information that AMSA requests in relation to the planned tow.</p> <p><i>Note 1</i> Examples of information are:</p> <ol style="list-style-type: none"> 1. Vessel stability information 2. A towing survey report 3. Seafarer certificates of competency and experience in undertaking a tow 4. Vessel certificates. <p><i>Note 2</i> 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 also issue directions if the inspector believes a person is not complying with requirements — see section 264 of the Act.</p> <p>(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.</p> <p>(4) Arrangements for training and certification mentioned in IMO Resolution A.1079(28) <i>Recommendations for the training and certification of personnel on mobile offshore units</i> must also be implemented if seafarers are carried on board.</p> <p><i>Note</i> 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 <i>Marine Order 21</i></p>	<p>involved in a planned tow, in accordance with IMO guidelines; and for weekly fire and abandonment drills to be conducted in accordance with the 2009 MODU Code.</p> <p>Provisions amended to clarify that personnel riding aboard a towed vessel are familiarised with the vessel and their duties during the tow and receive training in accordance with IMO Guidelines; and that for Australian-flagged vessels, manning is in accordance with the Navigation Act 2012 and Marine Order 21.</p>
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	<p><i>(Safety and emergency arrangements) 2016 for manning requirements that may apply.</i></p>	
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(4) 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

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>.