



Australian Government

Australian Maritime Safety Authority

MARINE ORDERS

Part 52

Sailing Ships

Issue 2

Compilation No. 1

This compilation was prepared on 4 October 2007 taking into account amendments up to Marine Orders: Miscellaneous Amendments, (Order No. 15 of 1999).

Prepared by the Australian Maritime Safety Authority, Canberra.

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Previous Issues

Issue 1, Order No. 14 of 1986

Issue 2, Order No. 8 of 1999

—Amended by Miscellaneous Amendments, Order No. 15 of 1999

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 person occupying the position of Manager, Marine Services—Ship Inspection Programs, in AMSA or, in respect of any particular purpose under this Part, a suitably qualified person authorised by the Manager, Marine Services—Ship Inspection Programs, for that purpose;

Manager means the person occupying the position of Manager, Marine Services—Personnel and Qualifications, in AMSA or, in respect of any particular purpose under this Part, a suitably qualified person authorised by the Manager, Marine Services—Personnel and Qualifications, for that purpose.

sail trainee means a passenger who:

- (a) is able bodied and certified by a duly qualified medical practitioner as being medically fit to be a sail trainee; and
- (b) has signed an agreement with the ship's master to travel on the ship as a sail trainee;

Note: A person who is employed on board a ship with a view to obtaining sea time or experience on a sailing ship for the purpose of a professional qualification is not a sail trainee for the purposes of this Part.

sailing ship means a ship designed for and capable of undertaking a voyage when propelled by sail alone;

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

the USL Code means the code referred to in section 427 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 & application

2.1 Purpose

This Part:

- (a) for the purposes of section 190B of the Navigation Act:
 - (i) specifies requirements with which the construction, hull, equipment and machinery of sailing ships must comply; and
 - (ii) makes provision for and in relation to the survey and inspection of, and issue of certificates in respect of, sailing ships; and
- (b) generally makes provision for the safety of sail trainees.

2.2 Application

This Part applies to and in relation to a sailing ship that is registered in Australia.

3 Exemptions and equivalents

3.1 Exemptions

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.

3.2 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.

4 Review of decisions

4.1 Reviewable decisions

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

- (a) by the Chief Marine Surveyor, refusing, restricting or imposing a condition on an exemption under 3.1;
- (b) by the Chief Marine Surveyor, refusing to allow under 3.2 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) by the Chief Marine Surveyor, specifying different or additional requirements under 6.4;
- (d) by the Chief Marine Surveyor, relating to damage stability and trim during intermediate stages of flooding under 7.3.4;
- (e) by the Chief Marine Surveyor, refusing to approve under 8.1 the capacity and location of fuel tanks and the type of fuel oil to be carried;
- (f) by the Manager, relating to acceptance of accommodation under 9(b);
- (g) by the Manager, specifying a number of officers or seamen for the purposes of 10.1.

4.2 Statements to accompany notices

Where a person making a decision referred to in 4.1 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.

4.3 Validity of decision

Failure to comply with 4.2 in relation to a decision does not affect the validity of that decision.

5 Offences

Provisions 6, 10.2 and 11 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, 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.'*

6 Survey and certification

6.1 Requirement for certificate

The master or owner of a sailing ship must not take the ship to sea, or permit the ship to be taken to sea, unless:

- (a) there is in force in respect of the ship a certificate of survey appropriate to the voyage; and*
- (b) any exemption certificate in force in respect of the ship applies to the voyage.*

6.2 Standard of certificate

In 6.1, a certificate of survey appropriate to the voyage is:

- (a) in the case of a sailing ship that is a passenger ship—a certificate of survey appropriate for a passenger ship on a similar voyage; and*
- (b) in any other case—the appropriate cargo ship certificate.*

Note: In addition to a certificate of survey, a sailing ship may require certificates provision for which is made in other Parts of Marine Orders.

6.3 The requirements for construction of the hull, machinery, anchors and anchor cables, equipment and radio equipment of a sailing ship are:

- (a) in the case of a ship of Class A of the USL Code—the requirements specified in Marine Orders; and*
- (b) in the case of a ship of Classes B, C, D or E of the USL Code—the requirements specified in that Code.*

6.4 If the Chief Marine Surveyor considers that the requirements of the USL Code do not adequately provide for the safety of the ship, that officer may specify different or additional requirements.

7 Stability and subdivision

7.1 Intact stability information to be carried

The information required by Marine Orders, Part 12 (Ship Construction and Stability) to be carried on a sailing ship is:

- (a) in the case of a ship of Classes A or B of the USL Code—the information specified in Marine Orders, Part 12; and
- (b) in the case of a ship of Classes C, D or E of the USL Code—the information specified in section 8A of that Code.

7.2 Intact stability criteria

The criteria to be used for assessing intact stability are those set out in the following clauses of section 8C of the USL Code:

- (a) for monohulls—clause C.12;
- (b) for catamarans and trimarans—clause C.14.

Note: In applying C.12.8.3 of the USL Code, the range of intact stability of a ship terminates at the angle of immersion of a ventilator or other opening through which downflooding can occur, unless the ventilator or opening is arranged to be:

- (a) *closed and secured at all times when the ship is at sea;*
- (b) *automatically self-closing, either prior to immersion or against the ingress of water, and that such automatic closure is designed to be effective against the head of water to which it would be subjected under the intact stability criteria; or*
- (c) *if immersed at an angle of heel exceeding 40°, quickly closed, by a method acceptable to the Chief Marine Surveyor.*

7.3 Subdivision and damage stability of sailing ships

7.3.1 A passenger ship that does not comply with Part B of Chapter II-1 of SOLAS must comply with the requirements of the USL Code with regard to watertight subdivision of Class 1 ships.

7.3.2 A cargo ship that does not comply with regulation 11 of Part B, and Part B1, of Chapter II-1 of SOLAS must comply with the requirements of the USL Code with regard to watertight subdivision of Class 2 ships.

7.3.3 Compliance with 7.3.1 and 7.3.2 must be confirmed by calculations, verified by the Chief Marine Surveyor, that take into consideration the design characteristics of the ship and the arrangements, configuration and contents of the compartments assumed to be damaged.

7.3.4 Damage stability and trim during intermediate stages of flooding must be such as are considered acceptable by the Chief Marine Surveyor.

Note: The ship may be required to carry specified damage control equipment, including collision mats, softwood wedges, quick drying cement and diving gear.

7.4 If the Chief Marine Surveyor considers that the requirements of the USL Code do not adequately provide for the safety of the ship, that officer may specify different or additional requirements.

8 Auxiliary propulsion

8.1 The capacity and location of fuel tanks for auxiliary propulsion machinery, and the type of fuel oil to be carried in them, is to be approved by the Chief Marine Surveyor.

8.2 A sailing ship must be fitted with an auxiliary means of propulsion capable of propelling the ship at 6 knots in still water and calm air.

9 Accommodation

A sailing ship must be provided with:

- (a) accommodation in accordance with Marine Orders, Part 14 (Accommodation);
or
- (b) if exempted from Marine Orders, Part 14 (Accommodation), such accommodation as is acceptable to the Manager, having regard to the purpose of the ship, the nature of the voyages to be undertaken and the health and comfort of crew, sail trainees and other passengers, as appropriate.

10 Manning

10.1 Specification of manning

The Manager may determine that a sailing ship carry no fewer than:

- (a) a specified number of qualified officers of specified designations; and
- (b) a specified number of qualified seamen of specified designations,

to the extent that it appears to the Manager necessary or expedient in the interests of the safe navigation and operation of the ship.

10.2 Master to comply

The master of a ship must comply with a determination under 10.1.

11 Training in safety procedures

The master of a sailing ship carrying sail trainees must ensure that each sail trainee:

- (a) as soon as practicable after joining the ship for the first time, is given instruction designed to make the trainee familiar with the layout of the ship; and
- (b) as soon as practicable after joining the ship and at intervals thereafter not exceeding one week, is given training in safety procedures, including the use of the fire-fighting and life-saving appliances of the ship.

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Notes to Marine Orders Part 52: Sailing Ships, Issue 2

Note 1

Marine Orders Part 52: Sailing Ships, Issue 2 (in force under the *Navigation Act 1912*) as shown in this compilation comprise Order No.8 of 1999 amended as indicated in the Tables below.

Table of Instruments

Number and year	Date of notification in Gazette	Date of commencement	Application, saving or transitional provisions
Order No. 8 of 1999	10 March 1999	12 April 1999	Provision 2
Miscellaneous Amendments Order No.15 of 1999	23 June 1999	1 July 1999	

Table Of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
1.1: Definition of Chief Marine Surveyor	am. Order No. 15 of 1999
1.1: Definition of Manager	am. Order No. 15 of 1999