

AMSA REGULATORY CONSULTATION

Draft *Marine Order 31 (SOLAS and vessel safety certification) 2019* is open for consultation until 04th August 2019

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

Who does this Order apply to?

Marine Order 31 provides requirements for survey, certification and maintenance of certification of vessels. The Order gives effect to chapters I and VIII of SOLAS. This Order applies to regulated Australian vessels; government vessels; and foreign vessels.

What are the key changes?

This new Order will replace Marine Order 31 (*Vessel surveys and certification*) 2015 and Marine Order 62 (*Government vessels*) 2003.

The main changes:

- Combine Marine Orders 31 and 62 into one new instrument and the repeal of Marine Order 62.
- Provide the option for an approved management plan instead of a full survey and certification for vessels under 10 metre length.
- Provide various options for dry-dock and in-water inspections including interval between consecutive dry-docking.
- Apply HSSC Guidelines to survey and inspection of non-SOLAS certification.
- Allow 5 year duration of non-SOLAS certificate for vessels with dual certification as passenger and cargo vessel.

Commencement

It is intended that the new Marine Order will commence on **1 Oct 2019**.

The table below compares sections in the current Marine Order 31 (2015), and sections in current Marine Order 62 (2003) with the draft Marine Order 31 (2019).

Existing text of <i>Marine Order 31 (Vessel surveys and certification) 2015</i>	<i>Marine Order 62 (Government vessels) 2003</i>	Draft MO 31(<i>SOLAS and vessel safety certification</i>) 2019	Notes on changes
Division 1 Preliminary			
<p>1 Name of Order</p> <p>This Order is Marine Order 31 (Vessel surveys and certification) 2015.</p>	<p>1 Name of Order</p> <p>This Order is Marine Order 62 (Government vessels) 2003.</p>	<p>1 Name of Order</p> <p>This Marine Order is <i>Marine Order 31 (SOLAS and vessel safety certification) 2019</i>.</p> <p>1A Commencement</p> <p>This Order commences on <i>[insert date]</i>.</p> <p>1B Repeal of <i>Marine Orders 31 (Vessel surveys and certification) 2015</i> and <i>Marine Order 62 (Government vessels) Marine Order 31 (Vessel surveys) 2015</i> and <i>Marine Order 62 (Government vessels) 2003</i> are repealed.</p>	<p>Adopts the current Marine Order style guide</p>
<p>2 Purpose</p> <p>This Order:</p> <p>(a) gives effect to those parts of Chapter I of SOLAS that deal with the survey and certification of vessels, to which specific effect is not given in the Navigation Act; and</p> <p>(b) gives effect to Regulation 11(c) of Chapter I of SOLAS by providing for reports to AMSA of defects on vessels to which SOLAS applies; and</p> <p>(c) provides generally for the survey, maintenance and certification of vessels; and</p> <p>(ca) provides for the safe management and operation of vessels and pollution prevention for regulated Australian vessels to which Chapter IX of SOLAS does not apply; and</p> <p>(d) provides for notification of intended movement of vessels involved in planned tows.</p>	<p>1A Purpose</p> <p>This Order sets out requirements about the following matters to be complied with by Government vessels to which the Navigation Act applies:</p> <p>(a) survey requirements;</p> <p>(b) certification requirements;</p> <p>(c) logbook requirements;</p> <p>(d) carriage of dangerous goods;</p> <p>(e) stowage and carriage of cargo.</p> <p>Note 1 For the kinds of Government vessels to which the Navigation Act does not apply (eg navy vessels) — see section 10 of the Act.</p> <p>Note 2 AMSA or the Minister may exempt Government vessels from some or all of the Navigation Act and specify conditions for the exemption — see section 334 of the Navigation Act. An exemption is not a legislative instrument — see subsection 334(4) of the Act.</p>	<p>2 Purpose</p> <p>This Marine Order:</p> <p>(a) prescribes matters for the certification of vessels; and</p> <p>(b) gives effect to Chapter I and Chapter VIII of SOLAS.</p>	<p>Simplified</p>
<p>3 Power</p> <p>(1) The following provisions of the Navigation Act provide for this Order to be made:</p> <p>(a) subsection 98(1) which provides that the regulations may provide for safety certificates;</p> <p>(b) subsection 98(2) which provides that, without limiting subsection 98(1), the regulations may give effect to SOLAS;</p> <p>(c) paragraph 98(3)(a) which provides that the regulations may provide that vessels in a particular class must have safety certificates of specified kinds, either generally or in specified circumstances, including certificates relating to survey;</p> <p>(d) Division 3 of Part 2 of Chapter 3 which provides for the issue of safety certificates;</p>	<p>2 Power</p> <p>2.1 Subsection 98(1) of the Navigation Act provides for regulations to be made for safety certificates.</p> <p>2.2 Subsection 130 provides for regulations to be made for pollution certificates.</p> <p>2.3 Subsection 112(4) of the Navigation Act provides for regulations about the carriage of cargo on a vessel.</p> <p>2.4 Subsection 112(5) provides that the regulations may provide for the loading, stowing or carriage of cargo in vessels.</p> <p>2.5 Subsection 112(6) of the Navigation Act provides for regulations about the carriage of dangerous goods.</p>	<p>3 Power</p> <p>(1) The following provisions of the Navigation Act provide for this Marine Order to be made:</p> <p>(a) subsection 98(1) which provides that the regulations may provide for safety certificates;</p> <p>(b) subsection 98(2) which provides that, without limiting subsection 98(1), the regulations may give effect to SOLAS;</p> <p>(c) paragraph 98(3)(a) which provides that the regulations may provide that vessels in a particular class must have safety certificates of specified kinds, either generally or in specified circumstances, including certificates relating to survey;</p> <p>(d) section 314 which provides for regulations to be made prescribing matters for the application for certificates and, among other things, criteria to be satisfied for their issue by issuing bodies, and reports and declarations to be made by issuing bodies, inspectors and other persons;</p> <p>(e) subparagraph 339(2) which provides for regulations to be made relating to specified matters for the safe operation of vessels;</p> <p>(f) paragraph 340(1)(a) which provides that the regulations may give effect to SOLAS.</p>	<p>Updated with some re-sequencing and minor changes as appropriate</p>

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<p>(e) paragraphs 185(1)(b) and (2)(b) and 186(1)(b) and (2)(b) which provide for the prescribing of periods for reporting marine incidents;</p> <p>(f) section 221 which provides that the regulations may provide for reporting requirements of vessels;</p> <p>(g) section 314 which provides for regulations to be made prescribing matters for the application for certificates and, among other things, criteria to be satisfied for their issue by issuing bodies, and reports and declarations to be made by issuing bodies, inspectors and other persons;</p> <p>(h) subparagraph 339(2)(i) which provides for regulations to be made relating to the testing, survey, maintenance and certification of vessels;</p> <p>(i) paragraph 340(1)(a) which provides that the regulations may give effect to SOLAS</p> <p>(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.</p> <p>(3) Subsection 342(1) of the Navigation Act provides that AMSA may make a Marine Order about anything that must or may be made by the regulations.</p> <p>(4) Subsection 342(4) of the Navigation Act provides that a Marine Order may provide for a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other document as in force or existing at a particular time or from time to time.</p>	<p>2.6 Subsection 309(2) of the Navigation Act provides for regulations about the keeping of logbooks.</p> <p>2.7 Subsection 339(1) of the Navigation Act provides for regulations about official logbooks to be kept by the masters of regulated Australian vessels.</p> <p>2.8 Subsection 342 of the Navigation Act provides that AMSA may make orders</p>	<p>(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.</p> <p>(3) Subsection 342(1) of the Navigation Act provides that AMSA may make a Marine Order about anything that must or may be made by the regulations.</p>	
<p>4 Definitions</p> <p>In this Order:</p> <p>anniversary date, for a certificate, means the day and the month of each year that corresponds to the date of expiry of the certificate.</p> <p>certificate of classification, for a vessel, means a certificate issued by a classification society.</p> <p>Chapter I means Chapter I of SOLAS.</p> <p>classification society means an organisation that is authorised by a flag administration as defined in Regulation 1 of Chapter XI-1 of SOLAS and listed accordingly in the IMO database <i>Global Integrated Shipping Information System (GISIS)</i>.</p>	<p>3 Definitions</p> <p>In this Order:</p> <p>length, for a vessel, has the same meaning as in the <i>International Convention on Load Lines, 1966</i>, as amended by the <i>Protocol of 1988 relating to the International Convention on Load Lines, 1966</i>.</p> <p><i>Note 1</i> Some terms used in this Order are defined in <i>Marine Order 1 (Administration) 2011</i>,</p> <p>including:</p> <ul style="list-style-type: none"> • USL Code • Manager, Ship Inspection and Registration. 	<p>4 Definitions</p> <p>In this Marine Order:</p> <p>approved management plan means a management plan approved under section Error! Reference source not found.</p> <p>approved reactor installation means a reactor installation approved under section Error! Reference source not found.</p> <p>approved safety assessment means a safety assessment approved under section Error! Reference source not found.</p> <p>anniversary date, for a certificate, means the day and the month of each year that corresponds to the date of expiry of the certificate.</p> <p>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.</p> <p>classification society means a non-government organisation that:</p>	<p>Updated definitions as required. New or amended definitions are highlighted.</p>

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<p>Note For further information about classification societies — see the International Association of Classification Societies' website at http://www.iacs.org.uk.</p> <p>Code of Safety for Diving Systems, 1995 means the <i>Code of Safety for Diving Systems, 1995</i> adopted by IMO Resolution A.831 (19), as in force from time to time.</p> <p>ISM Code means the <i>International Safety Management (ISM) Code</i> as defined in Regulation 1 of Chapter IX of SOLAS, as in force from time to time.</p> <p>ISM Guidelines means the <i>Revised Guidelines on the implementation of the International Safety Management (ISM) Code by Administrations</i> adopted by IMO Resolution A.1071(28), as in force from time to time.</p> <p>non-SOLAS certificate means a certificate mentioned in Schedule 2.</p> <p>nuclear vessel means a vessel that has a nuclear power plant.</p> <p>planned tow, for a vessel, means:</p> <p>(a) a tow 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</p> <p>(b) does not include a tow of another vessel to assist in an emergency involving a threat to a person's life or to the environment.</p> <p>SOLAS certificate means a certificate mentioned in Regulation 12 of Chapter I.</p> <p>towing assessment, for a planned tow, means an inspection or survey of:</p> <p>(a) 1 or both vessels to be involved in the planned tow; or</p> <p>(b) the proposed arrangements for the tow.</p> <p>Note 1 SOLAS certificates are listed in Schedule 1.</p> <p>Note 2 Information on obtaining copies of IMO Resolutions or other documents mentioned in this Order is available on AMSA's website http://www.amsa.gov.au.</p> <p>Note 3 Some terms used in this Order are defined in <i>Marine Order 1 (Administration) 2013</i>, including:</p> <ul style="list-style-type: none"> • cargo vessel • fishing vessel • GT • NSCV • passenger vessel 	<p>Note 2 Other terms used in this Order are defined in the Navigation Act, including:</p> <ul style="list-style-type: none"> • AMSA • Government vessel vessel. 	<p>(a) establishes and maintains technical standards for the construction and operation of vessels and offshore structures; and</p> <p>(b) verifies compliance with its rules and regulations.</p> <p>Note For further information about classification societies — see the International Association of Classification Societies' website at http://www.iacs.org.uk.</p> <p>Code of Safety for Diving Systems, 1995 means the <i>Code of Safety for Diving Systems, 1995</i> adopted by IMO Resolution A.831 (19), as in force from time to time.</p> <p>ESP Code means the <i>International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011</i> adopted by IMO Resolution A.1049 (27), as in force from time to time.</p> <p>ISM Code means the <i>International Safety Management (ISM) Code</i> that has the same meaning as in Regulation 1 of Chapter IX of SOLAS.</p> <p>ISM Guidelines means the <i>Revised Guidelines on the implementation of the International Safety Management (ISM) Code by Administrations</i> adopted by IMO Resolution A.1071 (28), as in force from time to time.</p> <p>length, for a vessel, has the same meaning as in the <i>International Convention on Load Lines, 1966</i>, as amended by the <i>Protocol of 1988 relating to the International Convention on Load Lines, 1966</i>.</p> <p>non-government vessel means a vessel that is not a Government vessel;</p> <p>planned tow, for a vessel, means a tow:</p> <p>(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</p> <p>(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.</p> <p>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.</p> <p>towing assessment, for a planned tow, means an inspection or survey of:</p> <p>(a) 1 or both vessels to be involved in the planned tow; or</p> <p>(b) the proposed arrangements for the tow.</p> <p>Note 1 Information on obtaining copies of IMO Resolutions or other documents mentioned in this Marine Order is available on AMSA's website http://www.amsa.gov.au.</p> <p>Note 2 Some terms used in this Marine Order are defined in <i>Marine Order 1 (Administration) 2013</i>, including:</p> <ul style="list-style-type: none"> • cargo vessel • fishing vessel • passenger vessel • SOLAS • USL Code. <p>Note 3 Other terms used in this Marine Order are defined in the Navigation Act, including:</p>	

Existing text of <i>Marine Order 31 (Vessel surveys and certification) 2015</i>	<i>Marine Order 62 (Government vessels) 2003</i>	Draft MO 31(<i>SOLAS and vessel safety certification</i>) 2019	Notes on changes
<ul style="list-style-type: none"> • SOLAS • USL Code. <p>Note 4 Other terms used in this Order are defined in the Navigation Act, including:</p> <ul style="list-style-type: none"> • inspector • International Tonnage Certificate (1969) • issuing body • marine incident • owner • recognised organisation (for organisations that have been prescribed for the definition — see <i>Marine Order 1 (Administration) 2013</i>) • regulated Australian vessel • Tonnage Convention. <p>Note 5 For delegation of AMSA's powers under this Order — see the AMSA website Marine Orders link at http://www.amsa.gov.au.</p>		<ul style="list-style-type: none"> • foreign vessel • inspector • Government vessel • International Tonnage Certificate (1969) • issuing body • marine incident • owner • recognised organisation (for organisations that have been prescribed for the definition — see <i>Marine Order 1 (Administration) 2013</i>) • regulated Australian vessel • vessel. <p>Note 4 For delegation of AMSA's powers under this Marine Order — see the AMSA website Marine Orders link at http://www.amsa.gov.au</p>	
<p>5 Interpretation</p> <p>(1) In this Order:</p> <p>(a) a term that is used but is not defined for this Order, and is defined in SOLAS, has the meaning given by SOLAS; and</p> <p>(b) a reference in SOLAS to <i>the Administration</i> is taken to mean:</p> <p>(i) for a regulated Australian vessel — AMSA; or</p> <p>(ii) for a foreign vessel — the government of the country whose flag the vessel is entitled to fly.</p> <p>(2) For Regulation 11(c) of Chapter I of SOLAS, the appropriate authority for Australia is AMSA</p> <p>(c) specialised training, appropriate to the duties assigned to the person on the muster list, mentioned in section 5.4 of the Annex to IMO Resolution A.891(21).</p>		<p>5 Interpretation</p> <p>(1) In this Marine Order:</p> <p>(a) a term that is used but is not defined for this Marine Order, and is defined in SOLAS, has the meaning given by SOLAS; and</p> <p>(b) mention of the <i>Survey Guidelines under the Harmonised System of Survey and Certification</i>, as amended, is taken to be a reference to the Guidelines as if in force internationally on a mandatory basis; and</p> <p>(c) a reference in Schedule 1 or 2 to <i>complies with</i> means, in relation to a Marine Order, compliance with a requirement of the Marine 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.</p> <p>Note for paragraph (b) Mention of <i>should</i> in the Guidelines is taken to be mention of <i>must</i>.</p> <p>(2) For Regulation 11(c) of Chapter I of SOLAS, the appropriate authority for Australia is AMSA.</p> <p>(3) The reference in SOLAS to <i>the Administration</i> is taken to mean:</p> <p>(a) for a regulated Australian vessel — AMSA; or</p> <p>(b) for a foreign vessel — the government of the country whose flag the vessel is entitled to fly; and</p> <p>(4) The reference in the Survey Guidelines under the Harmonised System of Survey and Certification, as amended to cargo ship is taken to include a fishing vessel for Subdivision 2.2 and Schedule 2.</p>	Updated as necessary
<p>6 Application</p> <p>(1) This Order applies to a regulated Australian vessel.</p>	<p>4 Application</p> <p>4.1 This Order applies to a regulated Australian vessel:</p>	<p>6 Application</p> <p>This Marine Order applies to:</p>	Marine Order 62 was applicable to government vessels that are RAVs. So, no separate mention of

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<p>(2) This Order applies to a foreign vessel as set out in Division 2.</p> <p>(3) This Order does not apply to a nuclear vessel to the extent that this Order is inconsistent with Chapter VIII of SOLAS</p>	<p>(a) that belongs to the Commonwealth or an agency of Commonwealth; or</p> <p>(b) the beneficial interest in which is vested in the Commonwealth or an agency of the Commonwealth; or</p> <p>(c) that is for the time being demised or sub-demised to, or in the exclusive possession of, the Commonwealth or an agency of the Commonwealth.</p> <p><i>Note 1</i> For the kinds of Government vessels to which the Navigation Act does not apply (eg navy vessels) — see section 10 of the Act.</p> <p><i>Note 2</i> AMSA has exempted under section 334 of the Navigation Act certain Government vessels to which the Act applies from some provisions of the Act and other Marine Orders. A copy of the AMSA <i>Government vessels Exemption 2012 (No. 1)</i> is available on the AMSA website at http://www.amsa.gov.au together with a copy of this Order. The exemption is subject to the condition that each exempt vessel complies with this Order.</p> <p>4.2 Where a provision of this Order is inconsistent with a provision of another Marine Order, the provision of this Order will prevail to the extent of the inconsistency.</p>	<p>(a) a regulated Australian vessel; and</p> <p>(b) a foreign vessel.</p>	<p>government vessels is required under Application.</p>
		<p>Division 2 Safety certificates</p>	<p>Due to restructuring the new Order's provisions are no longer in the same sequenced.</p>
<p>13 SOLAS certificates required</p> <p>For subsection 98(3) of the Navigation Act (which enables a Marine Order to provide that specified kinds of vessels are required to have specified safety certificates), a vessel to which Chapter I applies must have each certificate Regulation 12 of Chapter I provides must be issued to the vessel.</p>	<p>6 Surveys and certificates</p> <p>6.1 Subject to subsection 6.2, the structure, machinery, equipment, life-saving appliances and radio installations of a Government vessel of less than 24 metres in length are subject to survey in the manner and at the times set out in the USL Code.</p> <p><i>Note</i> For survey requirements for a Government vessel of 24 metres or more in length — see <i>Marine Order 31 (Ship surveys and certification) 2006</i>.</p> <p>6.2 Subsection 6.1 does not apply to a vessel of less than 7 metres in length if the Manager, Ship Inspection and Registration is satisfied that the owner of the vessel has established</p>	<p>Subdivision 2.1 SOLAS certificates</p> <p>7 SOLAS certificates required</p> <p>(1) A regulated Australian vessel must have a certificate of a kind specified in Schedule 1 in accordance with Regulation 12 of Chapter I or Regulation 10 of Chapter VIII of SOLAS.</p> <p><i>Note</i> A cargo vessel >300 GT must have a Cargo Ship Safety Radio Certificate.</p> <p>(2) A certificate specified in Schedule 1 is a safety certificate and is also referred to as a SOLAS certificate in this Marine Order.</p> <p><i>Note</i> For government vessels, reference should be made to the AMSA website at http://www.amsa.gov.au to ascertain if any exemption has been granted from the requirements of this Marine Order.</p>	<p>For continuity the former text of the section is provided in the two left hand columns. Sections new to MO31 are highlighted.</p>

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	<p>and maintained a planned maintenance and inspection system for the vessel.</p> <p>6.3 Subject to subsection 6.4, the master of a Government vessel of less than 24 metres in length may take the vessel to sea only if there is in force for the vessel each safety certificate that is required for the vessel under a Marine Order.</p> <p>Penalty: 50 penalty units.</p> <p>6.4 Subsection 6.3 does not apply to a vessel to which subsection 6.1 does not apply by virtue of subsection 6.2.</p> <p>6.5 An offence against subsection 6.3 is a strict liability offence.</p> <p>6.6 A person is liable to a civil penalty if the person contravenes subsection 6.3.</p> <p>Civil penalty: 50 penalty units.</p>		
<p>14 Applying for SOLAS certificates</p> <p>(1) For subsection 99(1) of the Navigation Act (which enables a person to apply to an issuing body for a safety certificate of a kind specified in a Marine Order), each certificate mentioned in Regulation 12 of Chapter I is a safety certificate. <i>Note</i> See the definition of SOLAS certificate in section 4. SOLAS certificates are listed in Schedule 1.</p> <p>(2) For subsection 99(2) of the Navigation Act, Division 3 of <i>Marine Order 1 (Administration) 2013</i> (other than section 17) applies to an application to AMSA for a certificate mentioned in subsection (1).</p> <p><i>Note 1</i> An issuing body may issue a safety certificate under section 100 of the Navigation Act.</p> <p><i>Note 2</i> Division 3 of <i>Marine Order 1 (Administration) 2013</i> prescribes some general rules about the making and determination of various kinds of applications. Section 17 of that 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.</p>		<p>8 Applying for SOLAS certificates</p> <p>(1) For subsection 99(1) of the Navigation Act, a SOLAS certificate is specified as a safety certificate for which a person may apply.</p> <p>(2) For subsection 99(2) of the Navigation Act, Division 3 of <i>Marine Order 1 (Administration) 2013</i> (other than section 17) applies to an application to AMSA for a SOLAS certificate.</p> <p><i>Note 1</i> An issuing body may issue a safety certificate under section 100 of the Navigation Act.</p> <p><i>Note 2</i> Division 3 of <i>Marine Order 1 (Administration) 2013</i> 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.</p>	
<p>15 Criteria for issue of SOLAS certificates</p>		<p>9 Criteria for issue of SOLAS certificates</p>	

Existing text of Marine Order 31 (Vessel surveys and certification) 2015	Marine Order 62 (Government vessels) 2003	Draft MO 31(SOLAS and vessel safety certification) 2019	Notes on changes
<p>For paragraph 100(1) (b) of the Navigation Act, the criteria for the issue of a SOLAS certificate for a vessel that is mentioned in Schedule 1 are those mentioned for the certificate in Schedule 1.</p> <p><i>Note</i> A criterion for issue of a SOLAS certificate is that the vessel has been surveyed in accordance with SOLAS — see Schedule 1. Surveys are conducted by issuing bodies in accordance with IMO Resolution A.1053 (27), as in force from time to time.</p>		<p>For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of a SOLAS certificate are:</p> <p>(a) those mentioned in Schedule 1 for the kind of certificate specified in that schedule; and</p> <p>(b) if the vessel has an arrangement with a classification society for survey and inspection — a valid certificate of classification; and</p> <p>(c) if the vessel has fitted a fixed diving system constructed after 23 November 1995 — the vessel has a diving safety certificate that is issued by a recognised organisation in accordance with the <i>Code of Safety for Diving Systems, 1995</i>.</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 for the certificate in Schedule 1.</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>10 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>17 Endorsements of SOLAS certificates</p> <p>An endorsement required under Chapter I to be made to a SOLAS certificate for a vessel must be made by an issuing body.</p> <p><i>Note 1</i> It is practice for an issuing body endorsing a certificate to be the same as the issuing body that originally issued the certificate.</p> <p><i>Note 2</i> See the following regulations of Chapter I 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.</p>		<p>11 Endorsements of SOLAS certificates</p> <p>An issuing body may endorse a SOLAS certificate following the completion of any survey or inspection of the outside of the bottom of the vessel.</p> <p><i>Note 1</i> It is practice for an issuing body endorsing a certificate to be the same as the issuing body that originally issued the certificate.</p> <p><i>Note 2</i> 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, Regulation 10(c) for endorsement of Cargo Ship Safety Construction Certificates.</p>	
<p>18 Duration of SOLAS certificates</p> <p>A SOLAS certificate comes into force, and ceases to be in force, in accordance with Regulation 14 of Chapter I</p> <p>22 Renewal of SOLAS certificates</p> <p>A certificate mentioned in Regulation 12 of Chapter I may be renewed in accordance with Regulation 14 of Chapter I.</p>		<p>12 Duration of SOLAS certificates</p> <p>(1) A SOLAS certificate comes into force in accordance with Regulation 14 of Chapter I, or Regulation 10 of Chapter VIII, of SOLAS. <i>Note</i> Regulation 14 of Chapter I of SOLAS provides a certificate to which it applies ceases to be in force if surveys are not completed within the periods mentioned, the certificate is not endorsed or if the vessel transfers its flag to another State.</p> <p>(2) A SOLAS certificate remains in force for the period mentioned in the following table for the kind of certificate mentioned unless:</p> <p>(a) a shorter period is specified in the certificate; or</p> <p>(b) the certificate ceases to be in force in accordance with Regulation 14 of Chapter I, or Regulation 10 of Chapter VIII, of SOLAS.</p>	

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<p>20 Criteria for variation of SOLAS certificates</p> <p>For subsection 101(1) of the Navigation Act, the criteria for variation of a SOLAS certificate are that:</p> <p>(a) the vessel complies with the requirements that apply to it under SOLAS; and</p> <p>(b) if the variation relates to the matters mentioned in Regulation 14 of Chapter I — the variation is in accordance with Regulation 14 of Chapter I.</p> <p><i>Note</i> A variation may be in the form of an endorsement on a certificate.</p>		<p>13 Criteria for variation of SOLAS certificates</p> <p>For subsection 101(1) of the Navigation Act, the criteria for variation of a SOLAS certificate are:</p> <p>(a) the conditions on the certificate issued for the vessel have been complied with; and</p> <p>(b) the variation is in accordance with Regulation 14 of Chapter I of SOLAS.</p> <p><i>Note</i> A variation may also appear in the form of an endorsement on a certificate.</p>													
<p>21 Criteria for revocation of SOLAS certificates</p> <p>For section 102 of the Navigation Act, the criteria for revocation of a SOLAS certificate are that:</p> <p>(a) a condition of the certificate has been, or AMSA reasonably suspects will be, breached; or</p> <p>(b) an endorsement required to be made on the certificate under Chapter I has not been made; or</p> <p>(c) the vessel to which the certificate applies ceases to be registered in Australia; or</p> <p>(d) the owner of the vessel to which the certificate applies has requested the revocation; or</p> <p>(e) the certificate contains incorrect information.</p>		<p>14 Criteria for revocation of SOLAS certificates</p> <p>For section 102 of the Navigation Act, the criteria for revocation of a SOLAS certificate are that:</p> <p>(a) a condition of the certificate has been, or is likely to be breached; or</p> <p>(b) the owner of the vessel for which the certificate is issued has requested the revocation; or</p> <p>the certificate contains incorrect information.</p>													
<p>Subdivision 3.2 Non-SOLAS certificates</p>		<p>Subdivision 2.2 Non-SOLAS certificates</p>													
<p>23 Non-SOLAS certificates required</p> <p>(1) For subsection 98(3) of the Navigation Act (which enables the regulations to provide that specified kinds of vessels are required to have specified safety certificates):</p> <p>(a) a regulated Australian vessel to which Chapter I does not apply must have the certificate mentioned for the vessel in Schedule 2; and</p> <p>(b) a cargo vessel that is at least 300 GT must have a Cargo Ship Safety Radio Certificate.</p> <p>(2) In this section:</p>		<p>15 Non-SOLAS certificates required</p> <p>(1) For subsection 98(3) of the Navigation Act, a regulated Australian vessel must have a certificate specified in Schedule 2 if the vessel is not required under this Marine Order to be issued a certificate specified in Schedule 1 in accordance with Regulation 12 of Chapter I, or Regulation 10 of Chapter VIII, of SOLAS.</p>													

Existing text of Marine Order 31 (Vessel surveys and certification) 2015	Marine Order 62 (Government vessels) 2003	Draft MO 31(SOLAS and vessel safety certification) 2019	Notes on changes
<p>Cargo Ship Safety Radio Certificate means a SOLAS certificate of that name.</p>		<p>(2) However, a regulated Australian vessel that is a cargo vessel <500 GT must have a certificate mentioned in Schedule 2.</p> <p><i>Note</i> A cargo vessel >300 GT must have a Cargo Ship Safety Radio Certificate — see section 7.</p> <p>(3) A certificate specified in Schedule 2 is a safety certificate and is also known as a non-SOLAS certificate.</p> <p><i>Note</i> For government vessels, reference should be made to the AMSA website at http://www.amsa.gov.au to ascertain if any exemption has been granted from the requirements of this Marine Order.</p>	
<p>24 Applying for non-SOLAS certificates</p> <p>(1) For subsection 99(1) of the Navigation Act (which enables a person to apply to an issuing body for a safety certificate of a kind specified in the regulations), each of the certificates mentioned in Schedule 2 is a safety certificate.</p> <p>(2) For subsection 99(2) of the Navigation Act, Division 3 of <i>Marine Order 1 (Administration) 2013</i> (other than section 17) applies to an application to AMSA for a certificate mentioned in subsection (1).</p> <p><i>Note 1</i> An issuing body may issue a safety certificate under section 100 of the Navigation Act.</p> <p><i>Note 2</i> Division 3 of <i>Marine Order 1 (Administration) 2013</i> prescribes some general rules about the making and determination of various kinds of applications. Section 17 of that 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.</p>		<p>16 Applying for non-SOLAS certificates</p> <p>(1) For subsection 99(1) of the Navigation Act, a non-SOLAS certificate is specified as a safety certificate for which a person may apply.</p> <p>(2) For subsection 99(2) of the Navigation Act, Division 3 of <i>Marine Order 1 (Administration) 2013</i> (other than section 17) applies to an application to AMSA for a non-SOLAS certificate.</p> <p><i>Note 1</i> An issuing body may issue a safety certificate under section 100 of the Navigation Act.</p> <p><i>Note 2</i> Division 3 of <i>Marine Order 1 (Administration) 2013</i> 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</p>	
<p>25 Criteria for issue of non-SOLAS certificates</p> <p>For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of a non-SOLAS certificate for a vessel that is mentioned in Schedule 2 are those mentioned for the certificate in Schedule 2.</p> <p><i>Note</i> A criterion for issue of a non-SOLAS certificate is that the vessel has been surveyed in accordance with Schedule 3 — see Schedule 2. Surveys are conducted by issuing bodies in accordance with IMO Resolution A.1053 (27), as in force from time to time.</p>		<p>17 Criteria for non-SOLAS certificates</p> <p>For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of a non-SOLAS certificate are:</p> <p>(a) for a cargo vessel >300 GT — it has a Cargo Ship Safety Radio Certificate; and</p> <p>(b) those mentioned for the kind of certificate specified in Schedule 2; and</p>	

Existing text of <i>Marine Order 31 (Vessel surveys and certification) 2015</i>	<i>Marine Order 62 (Government vessels) 2003</i>	Draft MO 31(SOLAS and vessel safety certification) 2019	Notes on changes																	
		<p>(c) if the vessel has an arrangement with a classification society for survey and inspection — the vessel has a valid certificate of classification; and</p> <p>(d) if the vessel has fitted a fixed diving system constructed after 23 November 1995 — the vessel has a diving safety certificate that is issued by a recognised organisation in accordance with the Code of Safety for Diving Systems, 1995</p>																		
<p>26 Conditions of non-SOLAS certificates For paragraph 100(2)(a) of the Navigation Act, a non-SOLAS certificate is subject to the conditions mentioned for the certificate in Schedule 2. <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>18 Conditions of non-SOLAS certificates For paragraph 100(2)(a) of the Navigation Act, the conditions for a non-SOLAS certificate are:</p> <p>(a) those mentioned in Schedule 2 for the kind of certificate specified in that schedule; and</p> <p>(b) the certificate must 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>27 Endorsements of non-SOLAS certificates Each intermediate and annual survey and inspection of the outside of the bottom of a vessel must be endorsed on a non-SOLAS certificate for the vessel by an issuing body. <i>Note</i> It is practice for an issuing body endorsing a certificate to be the same as the issuing body that originally issued the certificate.</p>		<p>19 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.</p> <p><i>Note</i> It is practice for an issuing body endorsing a certificate to be the same as the issuing body that originally issued the certificate</p>																		
<p>28 Duration of non-SOLAS certificates (1) A non-SOLAS certificate comes into force, and ceases to be in force, in accordance with Regulation 14 of Chapter I as if it were a SOLAS certificate. (2) However, a non-SOLAS certificate mentioned in the following table is in force for the period, up to the maximum mentioned in the table for the kind of certificate, mentioned in the certificate. (3) Also, the period may be extended in accordance with section 31.</p> <table border="1" data-bbox="94 1257 672 1406"> <thead> <tr> <th>Item</th> <th>Kind of certificate (non-SOLAS)</th> <th>Maximum period</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Certificate of Survey for a Passenger Ship</td> <td>1 year</td> </tr> <tr> <td>2</td> <td>Certificate of Survey for a Cargo Ship*</td> <td>5 years</td> </tr> </tbody> </table>	Item	Kind of certificate (non-SOLAS)	Maximum period	1	Certificate of Survey for a Passenger Ship	1 year	2	Certificate of Survey for a Cargo Ship*	5 years		<p>20 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.</p> <table border="1" data-bbox="1153 1225 1877 1345"> <thead> <tr> <th>Kind of certificate (non-SOLAS)</th> <th>Maximum duration period</th> </tr> </thead> <tbody> <tr> <td>Certificate of Survey for a Passenger Ship</td> <td>1 year</td> </tr> <tr> <td>Certificate of Survey for a Cargo Ship*</td> <td>5 years</td> </tr> <tr> <td>Certificate of Survey for a Fishing Vessel*</td> <td>5 years</td> </tr> </tbody> </table> <p><i>Note 1</i> The certificates indicated with an asterisk (*) may be issued in parts corresponding to the areas that would be covered by SOLAS certification, ie, Safety Construction, Safety Equipment and Safety Radio.</p>	Kind of certificate (non-SOLAS)	Maximum duration period	Certificate of Survey for a Passenger Ship	1 year	Certificate of Survey for a Cargo Ship*	5 years	Certificate of Survey for a Fishing Vessel*	5 years	
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Existing text of Marine Order 31 (Vessel surveys and certification) 2015	Marine Order 62 (Government vessels) 2003	Draft MO 31(SOLAS and vessel safety certification) 2019	Notes on changes
<p>3 Certificate of Survey for a 5 years Fishing Vessel*</p> <p>*The Certificate of Survey may be issued in parts corresponding to the areas covered by the Safety Construction, Safety Equipment and Safety Radio certificates.</p> <p>(4) If an existing non-SOLAS certificate is being renewed, the period mentioned for the safety certificate in the table starts:</p> <p>(a) if the renewal survey is completed on, or within 3 months before, the expiry date of the existing certificate</p> <p>(4) If an existing non-SOLAS certificate is being renewed, the period mentioned for the safety certificate in the table starts:</p> <p>(a) if the renewal survey is completed on, or within 3 months before, the expiry date of the existing certificate — at the end of the expiry date of the existing certificate; or</p> <p>(b) if the renewal survey is completed after the expiry date of the existing certificate — at the end of the expiry date of the existing certificate; or</p> <p>(c) if the renewal survey is completed more than 3 months before the expiry date of the existing certificate — at the end of the date of completion of the renewal survey.</p>		<p><i>Note 2</i> A certificate that has expired before completion of the vessel's renewal survey may be issued a certificate for a shorter period than the maximum period specified consistent with the duration requirements for SOLAS certificates that are subject to Regulation I/14 of SOLAS.</p> <p>(4) A non-SOLAS certificate ceases to be in force if:</p> <p>(a) the vessel ceases to be registered in Australia; or</p> <p>(b) any survey or inspection required by this Marine Order is not completed within the periods specified in Division 3; or</p> <p>(c) the certificate is not endorsed in accordance with this Marine Order; or</p> <p>(d) the certificate is replaced by re-issue.</p>	
<p>29 Criteria for variation of non-SOLAS certificates</p> <p>For subsection 101(1) of the Navigation Act, the criteria for variation of a non-SOLAS certificate are that:</p> <p>(a) the vessel complies with any requirements that apply to it under Marine Orders; and</p> <p>(b) if the variation is to be to the duration of the certificate, the variation complies with the requirements of this Order for the duration of non-SOLAS certificates including for the extension of the expiry date of certificates.</p> <p><i>Note A</i> variation may be in the form of an endorsement on a certificate</p>		<p>21 Criteria for variation of non-SOLAS certificates</p> <p>(1) For subsection 101(1) of the Navigation Act, the criteria for variation of a non-SOLAS certificate are:</p> <p>(a) the conditions on the certificate issued for the vessel have been complied with; and</p> <p>(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</p> <p>(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:</p> <p>(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</p> <p>(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.</p>	

Existing text of Marine Order 31 (Vessel surveys and certification) 2015	Marine Order 62 (Government vessels) 2003	Draft MO 31(SOLAS and vessel safety certification) 2019	Notes on changes															
		<p data-bbox="1182 164 1865 212"><i>Note</i> A variation may also appear in the form of an endorsement on a certificate.</p> <p data-bbox="1182 236 1865 284">(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</p> <table border="1" data-bbox="1167 312 1816 1273"> <thead> <tr> <th data-bbox="1167 312 1384 336">Kind of vessel</th> <th data-bbox="1384 312 1601 336">Period</th> <th data-bbox="1601 312 1816 336">Conditions</th> </tr> </thead> <tbody> <tr> <td data-bbox="1167 336 1384 676">1 A vessel that is not in the port where it is to be surveyed when the certificate expires</td> <td data-bbox="1384 336 1601 676">(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</td> <td data-bbox="1601 336 1816 676">(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</td> </tr> <tr> <td data-bbox="1167 676 1384 951">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</td> <td data-bbox="1384 676 1601 951">Up to 5 months</td> <td data-bbox="1601 676 1816 951">The existing certificate must be endorsed by the issuing body</td> </tr> <tr> <td data-bbox="1167 951 1384 1150">3 A passenger vessel with certificate issued for a period less than 5 years</td> <td data-bbox="1384 951 1601 1150">Up to 5 years from certificate commencement</td> <td data-bbox="1601 951 1816 1150">Surveys and inspections are completed in accordance with this Marine Order as if the vessel were a cargo vessel</td> </tr> <tr> <td data-bbox="1167 1150 1384 1273">4 A cargo or fishing vessel with a certificate issued for a period less than 5 years</td> <td data-bbox="1384 1150 1601 1273">Up to 5 years from certificate commencement</td> <td data-bbox="1601 1150 1816 1273">Surveys and inspections are completed in accordance with this Marine Order.</td> </tr> </tbody> </table> <p data-bbox="1167 1305 1850 1353"><i>Note:</i> For the meaning of short international voyage – see Regulation 3 of chapter III of SOLAS.</p> <p data-bbox="1167 1385 1776 1433">(3) If an annual, intermediate or periodical survey of a vessel is completed before the period required by this Marine Order:</p>	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	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	4 A cargo or fishing 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.	
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Existing text of <i>Marine Order 31 (Vessel surveys and certification) 2015</i>	<i>Marine Order 62 (Government vessels) 2003</i>	Draft MO 31(SOLAS and vessel safety certification) 2019	Notes on changes
		<ul style="list-style-type: none"> (a) 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 (b) the subsequent annual, intermediate or periodic survey required by this Marine Order must be completed at the intervals mentioned in Division 3 using the new anniversary date; and <p>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.</p>	
<p>30 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:</p> <ul style="list-style-type: none"> (a) a condition of the certificate has been, or AMSA reasonably suspects will be, breached; or (b) an endorsement required to be made to the certificate under section 27 has not been made; or (c) the vessel to which the certificate applies ceases to be registered in Australia; or (d) the owner of the vessel to which the certificate applies has requested the revocation; or (e) the certificate contains incorrect information. 		<p>22 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:</p> <ul style="list-style-type: none"> (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. 	
Division 2 Foreign vessels		Division 3 Foreign vessels — certification	
<p>7 Application of this Division This Division applies to a foreign vessel</p> <p>8 Foreign vessels to which SOLAS applies A foreign vessel to which Chapter I applies must:</p> <ul style="list-style-type: none"> (a) have the certificates that Regulation 12 of Chapter I requires it to have; and (b) 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. <p>9 Foreign vessels to which SOLAS does not apply A foreign vessel to which Chapter I does not apply must:</p> <ul style="list-style-type: none"> (a) have at least 1 certificate, or other documentary evidence issued by or on behalf of the country in which it is registered, that: <ul style="list-style-type: none"> (i) attests to the vessel's seaworthiness; and 		<p>23 Foreign vessels</p> <p>(1) A foreign vessel must:</p> <ul style="list-style-type: none"> (a) have any certificate that is required by Regulation 12 of Chapter I, or Regulation 10 of Chapter VIII, of SOLAS; and (b) 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. <p>(2) However, a foreign vessel that is not required to be issued a certificate in accordance with Regulation 12 of Chapter I, or Regulation 10 of Chapter VIII, of SOLAS must:</p> <ul style="list-style-type: none"> (a) have at least 1 certificate, or other documentary evidence issued by or on behalf of the country in which it is registered, that: <ul style="list-style-type: none"> (i) attests to the vessel's seaworthiness; and (ii) includes details of the vessel's areas of operation, equipment and manning requirements; and (b) comply with the requirements of the Administration of the country in which it is registered. <p><i>Note</i> Division 4 also provides for notification and reporting matters that apply to foreign vessels — see section 24, section 27 and section 28.</p>	

Existing text of <i>Marine Order 31 (Vessel surveys and certification) 2015</i>	<i>Marine Order 62 (Government vessels) 2003</i>	Draft MO 31(SOLAS and vessel safety certification) 2019	Notes on changes
<p>(ii) includes details of the vessel's areas of operation, equipment and manning requirements; and</p> <p>(b) comply with the requirements of the Administration of the country in which it is registered.</p>			
		Division 4 Notification matters	Notification matters are inserted into their own division.
<p>10 Foreign vessels — notification of planned tows</p> <p>Section 45 applies to a foreign vessel.</p> <p>45 Notification of planned tows</p> <p>(1) The owner or master of a vessel that is to tow or be towed in a planned tow must, at least 7 days before the tow commences:</p> <p>(a) notify AMSA of the planned tow; or</p> <p>(b) arrange for AMSA to be notified of the planned tow.</p> <p><i>Note 1</i> The owner of a vessel includes a person with overall general control and management of the vessel — see Act, s 14(1). For a planned tow, this could be the registered agent, the registered owner, the operator of the towing vessel (salvage operator), the P&I insurer or the issuing body.</p> <p><i>Note 2</i> For the definition of planned tow — see section 4.</p> <p><i>Note 3</i> For guidance about planning safe tows — see IMO MSC/Circ.884 <i>Guidelines for safe ocean towing</i>.</p> <p><i>Note 4</i> For ways of contacting AMSA — see AMSA's website at http://www.amsa.gov.au.</p> <p>(2) AMSA may require further information about the planned tow.</p> <p><i>Examples of information</i></p> <ol style="list-style-type: none"> 1. vessel stability information 2. information about hull and protection and indemnity (P&I) insurance 3. a towing survey report 4. charts and voyage plan 5. seafarer certificates of competency and experience in undertaking a tow 6. vessel certificates. <p><i>Note 1</i> For the certification requirements for vessels involved in a planned tow — see section 36.</p> <p><i>Note 2</i> AMSA usually receives a towing report from a surveyor engaged by the insurance company underwriting the tow.</p> <p>(3) AMSA may:</p>		<p>24 Notification of planned tows</p> <p>(1) The owner or master of a vessel that is to tow or be towed in a planned tow must ensure that AMSA is notified of the planned tow at least 7 days before the tow commences.</p> <p><i>Note 1</i> For the definition of planned tow — see section 4.</p> <p><i>Note 2</i> For a planned tow, notification might be made by the registered agent, the operator of the towing vessel, or the P&I insurer.</p> <p><i>Note 3</i> For guidance about planning safe tows — see IMO Circular MSC.1/Circ.884 <i>Guidelines for safe ocean towing</i>.</p> <p><i>Note 4</i> For ways of contacting AMSA — see AMSA's website at http://www.amsa.gov.au.</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> <ol style="list-style-type: none"> i) Completion of satisfactory stability assessment; ii) Adequate towing equipment; iii) Appropriate manning; iv) Crew familiarization with responsibilities and duties v) Safe transfer of personnel to and from tow, if applicable; vi) Weather forecasting and assessment of environmental condition; vii) Emergency and contingency planning; viii) Adequate cargo securing, if applicable; <p>(b) provide any information that AMSA requests in relation to the planned tow.</p> <p><i>Examples of information</i></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>(3) AMSA may:</p> <p>(a) conduct, or arrange for the conduct of, a towing assessment for the planned tow; or</p> <p>(b) impose conditions on the planned tow.</p> <p><i>Note 1</i> For the definition of towing assessment — see section 4.</p>	<p>This section is a modified version of old Marine Order 31 section 45 in page 26; and it exercises the power of sections 248, 264, and 265 along with 267 of the Navigation Act 2012.</p>

Existing text of <i>Marine Order 31 (Vessel surveys and certification) 2015</i>	<i>Marine Order 62 (Government vessels) 2003</i>	Draft MO 31(<i>SOLAS and vessel safety certification</i>) 2019	Notes on changes
<p>(a) conduct, or arrange for the conduct of, a towing assessment for the planned tow; or</p> <p>(b) impose conditions on the planned tow.</p> <p><i>Note 1</i> For the definition of towing assessment — see section 4.</p> <p><i>Note 2</i> If a recognised organisation or other person conducts the towing assessment, AMSA may ask the recognised organisation or other person to give AMSA a report of the towing assessment.</p> <p><i>Note 3</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 issue directions if the inspector believes a person is not complying with the Act — see section 264 of the Act.</p>		<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 issue directions if the inspector believes a person is not complying with the Act — see section 264 of the Act.</p>	
<p>46 Notification of alterations to vessel</p> <p>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 after the alteration is made.</p> <p><i>Note 1</i> 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.</p> <p><i>Note 2</i> For ways of contacting AMSA — see AMSA's website at http://www.amsa.gov.au.</p>		<p>25 Notification of alterations, major renewal or repair on vessel</p> <p>(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.</p> <p><i>Note 1</i> 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.</p> <p><i>Note 2</i> For ways of contacting AMSA — see AMSA's website at http://www.amsa.gov.au.</p> <p>(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.</p> <p><i>Note</i> 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 <i>Marine Order 1 (Administration) 2013</i> prescribes matters in relation to reports for sections 185 and 186.</p>	
<p>11 Foreign vessels to which SOLAS applies — reporting of defects to AMSA</p> <p>(SOLAS, Chapter I, Regulation 11(c))</p> <p>(1) If a defect is discovered on a foreign vessel to which Chapter I applies, the master or owner of the vessel must report the defect to AMSA immediately if the vessel is in an Australian port.</p> <p>(2) In subsection (1):</p>		<p>26 Reporting of defects on a regulated Australian vessel</p> <p>(1) If a defect is discovered on a regulated Australian vessel, the defect must be reported:</p> <ul style="list-style-type: none"> (a) at the earliest opportunity to AMSA; and (b) if the vessel is in port of another SOLAS Contracting Government — immediately to the appropriate authority of the SOLAS Contracting Government. <p>(2) In subsection (1):</p> <p>defect has the meaning given by Regulation 11(c) of Chapter I of SOLAS.</p>	

Existing text of <i>Marine Order 31 (Vessel surveys and certification) 2015</i>	<i>Marine Order 62 (Government vessels) 2003</i>	Draft MO 31(<i>SOLAS and vessel safety certification) 2019</i>	Notes on changes
<p>defect has the same meaning as in Regulation 11(c) of Chapter I.</p> <p><i>Note</i> An approved form for the reporting of defects to AMSA is available on AMSA's website at http://www.amsa.gov.au/forms</p> <p>47 Reporting of defects by a regulated Australian vessel to which SOLAS applies</p> <p>(SOLAS, Chapter I, Regulation 11(c))</p> <p>(1) If a defect is discovered on a regulated Australian vessel to which Chapter I applies the defect must be reported:</p> <p>(a) at the earliest opportunity to AMSA; and</p> <p>(b) if the vessel is in port of another SOLAS Contracting Government — immediately to the appropriate authority of the SOLAS Contracting Government.</p> <p>(2) In subsection (1):</p> <p>defect has the same meaning as in Regulation 11(c) of Chapter I. <i>Note 1</i> An approved form for the reporting of defects to AMSA is available on AMSA's website at http://www.amsa.gov.au/forms.</p> <p><i>Note 2</i> Under section 185 of the Navigation Act, the owner of a vessel must also report marine incidents and dangers to navigation to AMSA. Under section 186 of the Navigation Act, the master of a vessel must report marine incidents and dangers to navigation to AMSA. Section 23A of <i>Marine Order 1 (Administration) 2013</i> prescribes matters in relation to reports under sections 185 and 186</p>		<p><i>Note 1</i> An approved form for the reporting of defects to AMSA is available on AMSA's website at http://www.amsa.gov.au/forms.</p> <p><i>Note 2</i> 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 <i>Marine Order 1 (Administration) 2013</i> prescribes matters in relation to reports for sections 185 and 186</p>	
		<p>27 Reporting by vessel that is nuclear vessel (SOLAS, Chapter VIII, Regulation 7(b))</p> <p>(1) The owner or master of a regulated Australian vessel to which Chapter VIII of SOLAS applies must provide to the government of a country that it is to visit a copy of the vessel's safety assessment as soon as possible before the arrival of the vessel. Penalty: 50 penalty units.</p> <p>(2) The owner or master of a foreign vessel to which Chapter VIII of SOLAS applies must provide to AMSA as soon as possible a copy of the vessel's safety assessment before the arrival of the vessel in its first port in Australia. Penalty: 50 penalty units.</p> <p>(3) An offence against subsection (1) or (2) is a strict liability offence.</p>	Clarification of sub-section 6(3) in the old MO31.

Existing text of <i>Marine Order 31 (Vessel surveys and certification) 2015</i>	<i>Marine Order 62 (Government vessels) 2003</i>	Draft MO 31(<i>SOLAS and vessel safety certification</i>) 2019	Notes on changes
		(4) A person is liable to a civil penalty if the person contravenes subsection (1) or (2). Civil penalty: 50 penalty units	
<p>12 Foreign vessels — reporting of marine incidents</p> <p>Section 48 applies to a foreign vessel.</p>		<p>28 Marine incidents</p> <p>For paragraph (l) of the definition of <i>marine incident</i> in subsection 14(1) of the Navigation Act, damage to a vessel is prescribed if:</p> <p>(a) it has become, or is likely to become, an environmental hazard; and</p> <p>(b) the vessel is subject to Chapter VIII of SOLAS,</p>	
		<p>Division 5</p> <p>Approval matters</p>	
<p>41 Applying for approval of an in-water inspection</p> <p>(1) The owner of a vessel may apply to AMSA for approval of an in-water inspection to replace 1 of the dry-dock inspections mentioned in subsection 40(1).</p> <p>(2) The application for approval must be made in accordance with <i>Marine Order 1 (Administration) 2013</i>.</p> <p><i>Note Marine Order 1 (Administration) 2013</i> 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.</p> <p>42 Criteria for approval of an in-water inspection</p> <p>The criteria for approval of an application for an in-water inspection of the bottom of a vessel are that AMSA is satisfied that:</p> <p>(a) the last inspection of the outside of the bottom of the vessel was conducted in dry-dock or on a slipway; and</p> <p>(b) an inspection would be in accordance with:</p> <p>(i) paragraphs 4.6 and 5.10 of IMO Resolution A.1053 (27), as in force from time to time; and</p> <p>(ii) IMO MSC.1/Circ.1348; and</p> <p>(c) the inspection will be conducted as follows:</p> <p>(i) by a recognised organisation using video equipment operated in-water by a diving contractor with underwater hull inspection skills and experience acceptable to AMSA;</p>		<p>29 Approval of in-water inspections</p> <p>(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.</p> <p><i>Note 1</i> For a SOLAS certificate, the effect of Regulations 7 and 10 of Chapter I and Regulation 9 of Chapter VIII of SOLAS and the <i>Survey Guidelines under the Harmonised System of Survey and Certification</i>, as amended is that a vessel is required to have 2 dry-dock inspections in the applicable validity period of a SOLAS certificate.</p> <p><i>Note 2</i> For a non-SOLAS certificate, the dry-dock inspection requirements are specified in Division 3.</p> <p>(2) The application for approval must be made in accordance with <i>Marine Order 1 (Administration) 2013</i>.</p> <p><i>Note Marine Order 1 (Administration) 2013</i> 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.</p> <p>(3) AMSA may approve inspection of the bottom of the vessel to be conducted in-water, in lieu of a dry-dock inspection, if:</p> <p>(a) for a vessel that is participating in an extended dry-docking scheme — AMSA is satisfied that the scheme:</p> <p>(i) is approved by the classification society for the vessel; and</p> <p>(ii) complies with IACS Rec. No 133 <i>Guidelines for Pilot Schemes of Extended Interval between Surveys in Dry-dock – Extended Dry-docking (EDD) Scheme</i>, as amended; and</p> <p>(b) for a vessel that is not participating in an extended dry-docking scheme:</p> <p>(i) the vessel is not a ro-ro passenger vessel; and</p> <p>(ii) for a vessel to which the ESP Code applies — the in-water inspection is not combined with the renewal survey; and</p> <p>(iii) the vessel is less than 15 years old; and</p> <p>(c) AMSA is satisfied that the in-water inspection is at least as effective as a dry-dock inspection.</p> <p><i>Note for paragraph (c)</i> For passenger vessels, AMSA may take into account MSC.1/Circ.1348 <i>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</i>.</p> <p>(4) The approval is subject to the following conditions:</p>	

Existing text of Marine Order 31 (Vessel surveys and certification) 2015	Marine Order 62 (Government vessels) 2003	Draft MO 31(SOLAS and vessel safety certification) 2019	Notes on changes
<p>(ii) so that the underwater hull is marked in a way that allows the location of the diver and underwater camera to be readily identified, by frame and strake;</p> <p>(iii) so that the markings are verifiable at intervening dry dockings and slippings;</p> <p>(iv) so that the inspection requirements of the recognised organisation that provides survey and certification services for the vessel are met.</p> <p><i>Note</i> AMSA may impose conditions on an approval — see section 15 of <i>Marine Order 1 (Administration) 2013</i>.</p>		<p>(a) for a vessel that is participating in an extended dry-docking scheme — any condition imposed by AMSA;</p> <p>(b) for a vessel that is not participating in an extended dry-docking scheme:</p> <p>(i) the in-water inspection is in accordance with <i>Survey Guidelines under the Harmonised System of Survey and Certification</i>, as amended;</p> <p>(ii) the interval between consecutive inspections in dry-dock does not exceed 60 months unless Regulation I/14(e) and (f) of Chapter I of SOLAS applies;</p> <p>(iii) the interval between 2 consecutive inspections of the outside of the vessel's bottom does not exceed 36 months.</p>	
		<p>30 Approval of reactor installations for nuclear vessels</p> <p>(1) An owner of a regulated Australian vessel may apply for approval of a reactor installation in accordance with <i>Marine Order 1 (Administration) 2013</i>.</p> <p>(2) AMSA may approve a reactor installation for a nuclear vessel if satisfied of the matters mentioned in Regulation 4 of Chapter VIII of SOLAS.</p>	<p>Sections 30 and 31 (and associated certificates in Schedule 1) have been added to reflect requirements in chapter VIII of SOLAS.</p>
		<p>31 Approval of safety assessments for nuclear vessels</p> <p>(1) An owner of a regulated Australian vessel may apply for an approval of a safety assessment in accordance with <i>Marine Order 1 (Administration) 2013</i>.</p> <p>(2) AMSA may approve a safety assessment for a nuclear vessel if satisfied of the matters mentioned in paragraph 7(a) of Chapter VIII of SOLAS.</p>	
		<p>32 Approval of management plans for vessels ≤10 m in length</p> <p>(1) An owner of a regulated Australian vessel that is ≤10 m in length may apply to AMSA for an approval of a management plan in accordance with <i>Marine Order 1 (Administration) 2013</i>.</p> <p>(2) AMSA may approve a management plan if satisfied that:</p> <p>(a) the plan is part of a safety management system for the vessel that complies with Part A of the ISM Code as if it were a vessel to which Chapter IX of SOLAS applies; and</p> <p>(b) the plan includes the vessel's other operational, manning and maintenance arrangements.</p> <p>(3) The approval of a management plan is subject to:</p> <p>(a) audits being conducted by AMSA to verify ongoing compliance with the plan; and</p> <p>(b) remedial action being taken to address non-compliance; and</p> <p>(c) any other conditions imposed by AMSA.</p>	<p>This is a new section for smaller vessels affected by both MO31 and MO62.</p>
<p>Division 5 Other matters</p>		<p>Division 6 Other matters</p>	
<p>44 Certificates that do not make a vessel a regulated Australian vessel</p> <p>For subparagraph 15(1)(c)(ii) of the Navigation Act, the following certificates are prescribed:</p>		<p>33 Certificates that do not make a vessel a regulated Australian vessel</p> <p>For subparagraph 15(1)(c)(ii) of the Navigation Act, the following certificates are prescribed:</p> <p>(a) an International Tonnage Certificate (1969);</p>	

Existing text of Marine Order 31 (Vessel surveys and certification) 2015	Marine Order 62 (Government vessels) 2003	Draft MO 31(SOLAS and vessel safety certification) 2019	Notes on changes
(a) an International Tonnage Certificate (1969); (b) a pollution certificate; (c) a declaration of maritime labour compliance.		(b) a pollution certificate; (c) a declaration of maritime labour compliance.	
19 Harmonisation of expiry dates of certain SOLAS certificates 31 Extension of expiry date of safety certificate 32 Extension of expiry date of safety certificate so renewal survey can be conducted 33 Surveys completed before certificate expiry 34 Safety certificates ceasing to be in force 35 Form of safety certificates 36 Certificates required for towing vessels 37 Certificates required for vessels fitted with fixed diving systems 38 Application of survey requirements 39 Testing of boilers, connections pipes etc — passenger and cargo vessels 40 Requirement for dry-dock inspections of the bottom of a vessel 43 Surveys of particular kinds of vessels	5 Official log-book 7 Dangerous goods 8 Stowing and carriage of cargo		Redundant sections – their content, reflecting policy settings, is captured by editorial changes which adopt the current Marine Order style guide.
		Schedule 1 – SOLAS Certificates is in the next section	

Existing text of Marine Order 31 (Vessel surveys and certification) 2015	Draft MO 31(SOLAS and vessel safety certification) 2019	Notes on changes
Schedule 1 SOLAS certificates — criteria for issue and conditions (sections 15, 16)	Schedule 1 SOLAS certificates — criteria for issue and conditions (sections 7, 9, 10, 15, 17 and 31)	
1.1 Passenger Ship Safety Certificate	1.1 Passenger Ship Safety Certificate	Editorial changes adopt the current Marine Order style guide
1.2 Cargo Ship Safety Construction Certificate	1.2 Cargo Ship Safety Construction Certificate	
1.3 Cargo Ship Safety Equipment Certificate	1.3 Cargo Ship Safety Equipment Certificate	
1.4 Cargo Ship Safety Radio Certificate	1.4 Cargo Ship Safety Radio Certificate	
1.5 Cargo Ship Safety Certificate	1.5 Cargo Ship Safety Certificate	
	1.6 Nuclear Passenger Ship Safety Certificate	New certificates, see new sections 30 and 31
	1.7 Nuclear Cargo Ship Safety Certificate	
Schedule 2 Non-SOLAS certificates — criteria for issue and conditions (sections 23, 25 and 26)	Schedule 2 Non-SOLAS certificates — criteria for issue and conditions (sections 15, 17, 18 and 32)	
2.1 Certificate of Survey for a Passenger Vessel	2.1 Certificate of Survey for a Passenger Vessel	Editorial changes adopt the current Marine Order style guide
2.2 Certificate of Survey for a Cargo Vessel other than a Fishing Vessel	2.2 Certificate of Survey for a Cargo Vessel >10 m in length	Certificate renamed

	2.3 Certificate of Survey for a Cargo Vessel ≤10 m in length	Certificate reflects the new option for an approved management plan
2.3 Certificate of Survey for a Fishing Vessel	2.4 Certificate of Survey for a Fishing Vessel	Editorial changes adopt the current Marine Order style guide
Schedule 3 Survey standards for non-SOLAS vessels (Schedule 2)		Applying HSSC Guidelines to survey and inspection of non-SOLAS certification makes Schedule 3 redundant.