

# AMSA REGULATORY CONSULTATION

**Draft *Marine Order 58 (Safe management of vessels) 2020* is open for consultation until 8<sup>th</sup> March 2020**

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

## **Who does this Order apply to?**

This Order applies to regulated Australian vessels, foreign vessels and to a Government vessel, if it is used for a commercial purpose. It gives effect to SOLAS chapter IX, which requires compliance with the ISM Code and provides for the safe management and operation of vessels and pollution prevention.

## **What are the key changes?**

- The definition of Safety Management Certificate (SMC), Document of Compliance certificate (DoC) and Interim Document of Compliance Certificate (IDoC) were added in section 4 (Definitions) in more detailed form in regards to foreign vessels and regulated Australian Vessels;
- Division (2) was amended to clearly specify the requirements of SMC, DoC and IDoC in regards to foreign vessels;
- Reference of “AMSA” in the issuing, applying and renewal criteria in the Marine Order was changed to “Issuing body” other than section 7(1) and 7(2), which deals with exemption;
- The conditions and renewal criterions are more clearly addressed according to ISM code and ISM guidelines.

## **Commencement**

It is intended that the reissued Order will come into effect from **1 July 2020**.

**The table below compares the current *Marine Order 58 (2015)* and the draft reissue of *Marine Order 58 (2020)*.**

Existing text of <i>Marine Order 58 (Safe management of vessels) 2015</i>	New text as modified by draft <i>Marine order 58(Safe management of vessels) 2020</i>	Notes on changes
<p><b>4 Definitions</b></p> <p>In this Order:</p> <p><b>Chapter IX</b> means Chapter IX of SOLAS.</p> <p><b>ISM Guidelines</b> 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><b>interim document of compliance</b> means a document issued in accordance with paragraph 14.1 of the ISM Code.</p> <p><b>interim safety management certificate</b> means a certificate issued in accordance with paragraph 14.2 of the ISM Code.</p> <p><b>ISM Code</b> means the <i>International Safety Management (ISM) Code</i> as defined in Regulation 1 of Chapter IX, as in force from time to time.</p> <p><i>Note 1</i> For information on obtaining copies of IMO documents mentioned in this Order — see AMSA’s website at <a href="http://www.amsa.gov.au">http://www.amsa.gov.au</a>. These documents may also be purchased from the IMO — see the IMO website at <a href="http://www.imo.org/publications">http://www.imo.org/publications</a>.</p> <p><i>Note 2</i> Some terms used in this Order are defined in <i>Marine Order 1 (Administration) 2013</i>, including:</p> <ul style="list-style-type: none"> <li>• IMO</li> <li>• SOLAS.</li> </ul> <p><i>Note 3</i> Some terms used in this Order are defined in the Navigation Act, including:</p> <ul style="list-style-type: none"> <li>• foreign vessel</li> <li>• Government vessel</li> <li>• issuing body</li> </ul>	<p><b>4 Definitions</b></p> <p>In this Order:</p> <p><b>Chapter IX</b> means Chapter IX of SOLAS.</p> <p><b>document of compliance</b> means:</p> <p>(a) for a foreign vessel — a document of compliance issued in accordance with paragraph 13.2 of the ISM Code; or</p> <p>(b) for a regulated Australian vessel — a document of compliance issued in accordance with subsection 12(1).</p> <p><b>interim document of compliance</b> means:</p> <p>(a) for a foreign vessel — an interim document of compliance issued in accordance with paragraph 14.1 of the ISM Code; or</p> <p>(b) for a regulated Australian vessel — an interim document of compliance issued in accordance with subsection 12(5).</p> <p><b>interim safety management certificate</b> means:</p> <p>(a) for a foreign vessel — an interim safety management certificate issued in accordance with paragraph 14.2 of the ISM Code; or</p> <p>(b) for a regulated Australian vessel — an interim safety management certificate issued in accordance with subsection 100(1) of the Navigation Act.</p> <p><b>ISM Code</b> means the <i>International Safety Management (ISM) Code</i> as defined in Regulation 1 of Chapter IX, as in force from time to time.</p> <p><b>ISM Guidelines</b> means the <i>Revised Guidelines on the implementation of the International Safety Management (ISM) Code by Administrations</i> adopted by IMO Resolution A.1118(30) and as amended from time to time.</p>	<p>The definition of SMC, DoC and IDoC were added in section 4 (Definitions) in more detailed form in regards to foreign vessel and regulated Australian Vessels</p>

- owner
- regulated Australian vessel.

*Note 4* For delegation of AMSA's powers under this Order — see the AMSA website Marine Orders link at <http://www.amsa.gov.au>.

**safety management certificate** means:

- (a) for a foreign vessel — a safety management certificate issued in accordance with paragraph 13.7 of the ISM Code; or
- (b) for a regulated Australian vessel — a safety management certificate issued in accordance with subsection 100(1) of the Navigation Act.

*Note 1* For information on obtaining copies of IMO documents mentioned in this Order — see AMSA's website at <http://www.amsa.gov.au>. These documents may also be purchased from the IMO — see the IMO website at <http://www.imo.org/publications>.

*Note 2* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2013*, including:

- IMO
- SOLAS.

*Note 3* Some terms used in this Order are defined in the Navigation Act, including:

- foreign vessel
- Government vessel
- issuing body
- owner
- regulated Australian vessel.

*Note 4* For delegation of AMSA's powers under this Order — see the AMSA website Marine Orders link at <http://www.amsa.gov.au>.

## Division 2 Safety management requirements

### 9 Safety management certificates

- (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), the following safety certificates are specified:
  - (a) a safety management certificate;
  - (b) an interim safety management certificate.
- (2) For sections 103 and 104 (which apply to regulated Australian vessels) of the Navigation Act, a regulated Australian vessel must have:
  - (a) a safety management certificate; or
  - (b) an interim safety management certificate.

*Note* It is an offence under sections 103 and 104 to take a regulated Australian vessel to sea without a certificate of a specified kind in force for the vessel.

- (3) For sections 106 and 107 (which apply to foreign vessels) of the Navigation Act, a foreign vessel must have:
  - (a) a safety management certificate; or
  - (b) an interim safety management certificate.

*Note* It is an offence under sections 106 and 107 to take a foreign vessel to sea without a certificate of a specified kind in force for the vessel.

## Division 2 Foreign vessels

### 8 Certificates and documents required for foreign vessels

- (1) The owner of a foreign vessel must have a document of compliance or an interim document of compliance.
- (2) A foreign vessel must have a safety management certificate or an interim safety management certificate.

*Note* It is an offence under sections 106 and 107 of the Navigation Act to take a foreign vessel to sea without a certificate of a specified kind in force for the vessel.
- (3) A vessel and the owner of a vessel must comply with Chapter IX, the ISM Code and the ISM Guidelines.

### 9 Copy of document of compliance or Interim document of compliance to be kept On board a foreign vessel

- (1) The master of a foreign vessel may take the vessel to sea only if there is on board a copy of a document of compliance or interim document of compliance in effect for the owner of the vessel  
Penalty: 50penalty units.
- (2) An offence against subsection (1) is a strict liability offence
- (3) A person is liable to a civil penalty if the person Contravenes subsection (1).  
Civil Penalty: 50 Penalty units

Division 2 was amended to clearly specify the requirements of SMC, DoC and IDoC in regards to foreign vessels.

Section 9(3) and 11(1) from the current Marine Order, added in this Division 2 section 8 of the new order.

This section transferred from section 11 of the current Marine Order.

<p><b>Division 3 Document of compliance</b></p> <p><b>12 Applying for document of compliance</b> A person may apply to AMSA, in accordance with the application process set out in <i>Marine Order 1 (Administration) 2013</i>, for:</p> <p>(a) a document of compliance; or (b) an interim document of compliance.</p> <p><b>13 Issuing criteria</b></p> <p>(1) AMSA may issue a document of compliance to the owner of a vessel who has agreed to take over all the duties and responsibilities imposed by the ISM Code if AMSA is satisfied that the safety management system of the owner meets the requirements of the ISM Code and ISM Guidelines for the kind of vessel mentioned in the document of compliance.</p> <p>(2) AMSA may issue an interim document of compliance in accordance with paragraph 14.1 of the ISM Code and the ISM Guidelines.</p> <p><b>14 Conditions</b> A document of compliance is subject to the following conditions:</p> <p>(a) it must be endorsed by AMSA after annual verifications of the kind mentioned in paragraph 13.4 of the ISM Code and paragraph 4.4 of the ISM Guidelines and within the time period mentioned in paragraph 13.4 of the ISM Code; and (b) the holder of the document of compliance must tell AMSA, in writing, if the information on the document of compliance is no longer accurate because of a changed circumstance.</p>	<p><b>Division 3 Document of compliance for regulated Australian vessels</b></p> <p><b>10 Requirement for document of compliance</b> The owner of a regulated Australian vessel must have a document of compliance or an interim document of compliance.</p> <p><b>11 Applying for document of compliance</b> A person may apply to an issuing body for a document of compliance or an interim document of compliance.</p> <p><b>12 Issue of document of compliance or interim document of compliance</b></p> <p>(1) An issuing body may issue a document of compliance to the owner of a vessel who has agreed to take over all the duties and responsibilities imposed by the ISM Code if the issuing body is satisfied that the safety management system of the owner meets the requirements of the ISM Code and ISM Guidelines for the kind of vessel mentioned in the document of compliance.</p> <p>(2) However, if a person holds a document of compliance that is in force when the person applies to the issuing body, the criterion is that a renewal verification mentioned in paragraph 4.6 of the ISM Guidelines has been performed.</p> <p>(3) An issuing body may issue an interim document of compliance in accordance with paragraph 14.1 of the ISM Code and the ISM Guidelines.</p> <p>(4) A decision by an issuing body not to issue a document of compliance or an interim document of compliance is a reviewable decision for section 17 of <i>Marine Order 1 (Administration) 2013</i>.</p> <p><b>13 Conditions on document of compliance</b></p> <p>(1) A document of compliance is subject to the following conditions:</p>	<p>This division is updated for regulated Australian vessels(Document of Compliance) Section 9(2), 11(1)and 12 added from the old Marine Order to this Division.</p> <p>This section transferred from section 12 of the old Marine Order.</p> <p>This section transferred from section 13 of the old Marine Order, the renewal criterion defined as per the ISM guidelines and the ability to review a decision, in case of not issuing the certificate.</p> <p>Section 16(2) of the current Marine Order.</p> <p>This section transferred from section 14 of the current Marine Order which also addresses the</p>
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*Note* The holder of the document of compliance should submit a request to AMSA in writing for a safety management audit at least 4 weeks before it is required for an annual verification.

## 15 Duration of document of compliance

- (1) A document of compliance:
  - (a) comes into force on the day it is issued; and
  - (b) ceases to be in force on the earliest of the following:
    - (i) the day determined by AMSA;
    - (ii) the day 5 years after it is issued.
- (2) An interim document of compliance:
  - (a) comes into force on the day it is issued; and
  - (b) ceases to be in force on the earliest of the following:
    - (i) the day determined by AMSA;
    - (ii) the day 12 months after it is issued.

## 16 Renewal

- (1) A person may apply to AMSA, in accordance with the application process set out in *Marine Order 1 (Administration) 2013*, within 6 months before a document of compliance would expire, for the renewal of the document of compliance.
- (2) If AMSA is satisfied in accordance with the requirements for a renewal verification mentioned in paragraph 4.6 of the ISM Guidelines, AMSA may renew the document of compliance for the following periods:
  - (a) if the renewal verification is completed within 3 months before the expiry date of the document of compliance — the period for renewal mentioned in paragraph 13.10 of the ISM Code;
  - (b) if the renewal verification is completed more than 3 months before the expiry date of the document of compliance — the period mentioned for renewal in paragraph 13.11 of the ISM Code.

- (a) it must be endorsed by the issuing body that issued the document of compliance after annual verifications of the kind mentioned in paragraph 13.4 of the ISM Code and paragraph 4.4 of the ISM Guidelines and within the time period mentioned in paragraph 13.4 of the ISM Code; and
- (b) the holder of the document of compliance must tell the issuing body that issued the document of compliance, in writing, if the information on the document of compliance is no longer accurate because of a changed circumstance.

- (2) A decision by an issuing body not to endorse a document of compliance is a reviewable decision for section 17 of *Marine Order 1 (Administration) 2013*.

## 14 Duration of document of compliance

- (1) A document of compliance:
  - (a) comes into force on the day it is issued; and
  - (b) ceases to be in force on the earliest of the following:
    - (i) the day determined by the issuing body;
    - (ii) the day 5 years after it is issued.
- (2) An interim document of compliance:
  - (a) comes into force on the day it is issued; and
  - (b) ceases to be in force on the earliest of the following:
    - (i) the day determined by the issuing body;
    - (ii) the day 12 months after it is issued.
- (3) If a renewal verification is completed within 3 months before the expiry date of a document of compliance, the new document of compliance comes into force and ceases to be in force in accordance with paragraph 13.10 of the ISM Code.
- (4) If a renewal verification is completed more than 3 months before the expiry date of a document of compliance, the new document of compliance comes into force and ceases to be in force in accordance with paragraph 13.11 of the ISM Code.

ability to review a decision of not issuing the certificate.

This section transferred from section 15 of the current Marine Order, which also explains the certificate duration when the renewal verification is completed within or outside 3 months of the expiry of the certificate.

*Note* The holder of the document of compliance should submit a request to AMSA in writing for a safety management audit at least 4 weeks before it is required for a renewal verification.

## **17 Variation or revocation of document of compliance or interim document of compliance**

- (1) AMSA may vary or revoke a document of compliance or interim document of compliance if:
  - (a) for a document of compliance — the conditions for the document of compliance mentioned in section 14 are not complied with; or
  - (b) AMSA is satisfied that there is evidence of a major non-conformity with the requirements for the document of compliance or interim document of compliance; or
  - (c) the holder of the document requests a variation or revocation; or
  - (d) if the information on the document of compliance or interim document of compliance is no longer accurate because of a changed circumstance.
- (2) AMSA may, by notice in writing to the holder of the document, require the holder to give a varied or revoked document of compliance or interim document of compliance to AMSA.
- (3) The holder of the document must comply with a notice issued under subsection (2).

Penalty: 50 penalty units.
- (4) An offence against subsection (3) is a strict liability offence.
- (5) A person is liable to a civil penalty if the person contravenes subsection (3).

Civil penalty: 50 penalty units.

*Note* A safety management certificate may be revoked if a related document of compliance or interim document of compliance has been revoked or varied — see section 23.

## **15 Variation or revocation of document of compliance or interim document of compliance**

- (1) An issuing body may vary or revoke a document of compliance or interim document of compliance if:
  - (a) for a document of compliance — the conditions for the document of compliance mentioned in section 13 are not complied with; or
  - (b) the issuing body is satisfied that there is evidence of a major non-conformity with the requirements for the document of compliance or interim document of compliance; or
  - (c) the holder of the document requests a variation or revocation; or
  - (d) if the information on the document of compliance or interim document of compliance is no longer accurate because of a changed circumstance.
- (2) A decision by an issuing body to vary or revoke, or not to vary or revoke a document of compliance or an interim document of compliance is a reviewable decision for section 17 of *Marine Order 1 (Administration) 2013*.

## **16 AMSA may require delivery of varied or revoked documents**

- (1) AMSA may, by notice in writing to the holder of the document, require the holder to give a varied or revoked document of compliance or interim document of compliance to AMSA.
- (2) The holder of the document must comply with a notice issued under subsection (1).

Penalty: 50 penalty units.
- (3) An offence against subsection (2) is a strict liability offence.

This section transferred from section 17(2)-(5) of the current Marine Order.

	<p>(4) A person is liable to a civil penalty if the person contravenes subsection (2).  Civil penalty: 50 penalty units.</p> <p><i>Note</i> A safety management certificate may be revoked if a related document of compliance or interim document of compliance has been revoked or varied — see section 23.</p> <p><b>17 Copy of document of compliance or interim document of compliance to be kept on board a regulated Australian vessel</b></p> <p>(1) The master of a regulated Australian vessel may take the vessel to sea only if there is on board a copy of a document of compliance or interim document of compliance in effect for the owner of the vessel.  Penalty: 50 penalty units.</p> <p>(2) An offence against subsection (1) is a strict liability offence.</p> <p>(3) A person is liable to a civil penalty if the person contravenes subsection (1).  Civil penalty: 50 penalty units.</p>	<p>This section transferred from section 11(1) of the current Marine Order.</p>
<p><b>Division 4 Safety management certificate</b></p> <p><b>18 Applying for safety management certificate</b></p> <p>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:</p> <p>(a) a safety management certificate; and  (b) an interim safety management certificate.</p>	<p><b>Division 4 Safety management certificates for regulated Australian vessels</b></p> <p><b>18 Certificates required</b></p> <p>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), a regulated Australian vessel must have a safety management certificate or an interim safety management certificate.</p> <p><i>Note</i> It is an offence under sections 103 and 104 of the Navigation Act to take a regulated Australian vessel to sea without a safety certificate of a specified kind in force for the vessel.</p>	<p>This division is updated for regulated Australian vessels (Safety Management Certificate).</p> <p>This section transferred from section 9(2) of the old Marine Order.</p>

<p><b>19 Issuing criteria</b></p> <p>(1) For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of a safety management certificate are that:</p> <p>(a) a document of compliance valid for the kind of vessel has been issued to the owner of the vessel who has agreed to take over all the duties and responsibilities imposed by the ISM Code; and</p> <p>(b) the safety management system for the vessel is being applied on the vessel in accordance with the ISM Code and the ISM Guidelines.</p> <p>(2) For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of an interim safety management certificate are that AMSA is satisfied that:</p> <p>(a) the criteria for issue mentioned in paragraph 14.2 of the ISM Code are satisfied; and</p> <p>(b) the requirements mentioned in paragraph 14.4 of the ISM Code are met.</p>	<p><b>19 Applying for safety management certificate or interim safety management certificate</b></p> <p>For subsection 99(1) of the Navigation Act, (which enables a person to apply to an issuing body for a safety certificate specified in the regulations), a safety management certificate and an interim safety management certificate are specified.</p>	<p>This section transferred from section 9(1) of the old Marine Order.</p>
<p><b>20 Conditions</b></p> <p>(1) For paragraph 100(2)(a) of the Navigation Act, a safety management certificate is subject to the following conditions:</p> <p>(a) it must be endorsed by AMSA after an intermediate verification, carried out between the second and third anniversaries of the safety management certificate or more frequently if AMSA considers it necessary, of the kind mentioned in paragraph 4.5 of the ISM Guidelines;</p> <p>(b) it must be endorsed by AMSA after any additional verification of the kind mentioned in paragraph 4.7 of the ISM Guidelines;</p> <p>(c) the owner of the vessel must tell AMSA, in writing, if the information on the safety</p>	<p><b>20 Issue criteria for safety management certificate and interim safety management certificate</b></p> <p>(1) For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of a safety management certificate are that:</p> <p>(a) a document of compliance valid for the kind of vessel has been issued to the owner of the vessel who has agreed to take over all the duties and responsibilities imposed by the ISM Code; and</p> <p>(b) the safety management system for the vessel is being applied on the vessel in accordance with the ISM Code and the ISM Guidelines.</p> <p>(2) However, if a person holds a safety management certificate that is in force when the person applies to the</p>	<p>This section transferred from section 19(1) and 19(2) of the current Marine Order with an added renewal criterion according to ISM guidelines.</p>

<p>management certificate is no longer accurate because of a changed circumstance;</p> <p>(d) the safety management system for the vessel must be applied on the vessel in accordance with the ISM Code and the ISM Guidelines.</p> <p><i>Note</i> The owner of the vessel should submit a request to AMSA in writing for a safety management audit at least 4 weeks before it is required for an intermediate verification.</p> <p>(2) For subsection 100(2) of the Navigation Act, an interim safety management certificate is subject to the condition that, if an additional verification of the kind mentioned in paragraph 4.7 of the ISM Guidelines is carried out, it must be endorsed by AMSA after the additional verification.</p> <p><b>21 Duration of safety management certificate</b></p> <p>(1) A safety management certificate:</p> <p>(a) comes into force on the day it is issued; and</p> <p>(b) ceases to be in force on the earliest of the following:</p> <p>(i) the day determined by AMSA;</p> <p>(ii) the day 5 years after it is issued;</p> <p>(iii) the day the document of compliance for the owner of the vessel who has agreed to take over all the duties and responsibilities imposed by the ISM Code ceases to be in force.</p> <p>(2) AMSA may extend the term of a safety management certificate, for up to 3 months, in accordance with paragraph 13.14 of the ISM Code.</p> <p>(3) An interim safety management certificate:</p> <p>(a) comes into force on the day it is issued; and</p> <p>(b) ceases to be in force on the earlier of:</p> <p>(i) the day determined by AMSA; or</p> <p>(ii) the day 6 months after it is issued.</p>	<p>issuing body, the criterion is that a renewal verification mentioned in paragraph 4.6 of the ISM Guidelines has been performed.</p> <p>(3) For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of an interim safety management certificate are that the issuing body is satisfied that:</p> <p>(a) the criteria for issue mentioned in paragraph 14.2 of the ISM Code are satisfied; and</p> <p>(b) the requirements mentioned in paragraph 14.4 of the ISM Code are met.</p> <p><i>Note</i> Under section 313 of the Navigation Act, the following decisions are reviewable decisions: a decision to refuse to issue a safety certificate, a decision to impose a condition on a safety certificate, a decision to vary or refuse to vary a certificate and a decision to revoke a certificate.</p> <p><b>21 Conditions on certificates</b></p> <p>(1) For paragraph 100(2)(a) of the Navigation Act, a safety management certificate is subject to the following conditions:</p> <p>(a) it must be endorsed by an issuing body after an intermediate verification, carried out between the second and third anniversaries of the safety management certificate or more frequently if the issuing body considers it necessary, of the kind mentioned in paragraph 4.5 of the ISM Guidelines;</p> <p>(b) it must be endorsed by the issuing body after any additional verification of the kind mentioned in paragraph 4.7 of the ISM Guidelines;</p> <p>(c) the owner of the vessel must tell the issuing body, in writing, if the information on the safety management certificate is no longer accurate because of a changed circumstance;</p> <p>(d) the safety management system for the vessel must be applied on the vessel in accordance with the ISM Code and the ISM Guidelines.</p> <p>(2) For subsection 100(2) of the Navigation Act, an interim safety management certificate is subject to the condition that, if an additional verification of the kind mentioned in</p>	<p>This section transferred from section 20 of the current Marine order.</p>
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<p>(4) However, AMSA may extend the term of an interim safety management certificate for a further period of up to 6 months in accordance with paragraph 14.3 of the ISM Code.</p> <p><b>22 Renewal</b></p> <p>(1) A person may apply to AMSA, in accordance with the application process set out in <i>Marine Order 1 (Administration) 2013</i>, within 6 months before a safety management certificate would expire, for the renewal of the safety management certificate.</p> <p>(2) If AMSA is satisfied in accordance with the requirements for a renewal verification mentioned in paragraph 4.6 of the ISM Guidelines, AMSA may renew the safety management certificate for the following periods:</p> <p>(a) if the renewal verification is completed within 3 months before the expiry date of the safety management certificate — the period for renewal mentioned in paragraph 13.10 of the ISM Code;</p> <p>(b) if the renewal verification is completed more than 3 months before the expiry date of the safety management certificate — the period mentioned for renewal in paragraph 13.11 of the ISM Code;</p> <p>(c) if the renewal verification is completed after the expiry date of the safety management certificate — the period mentioned for renewal in paragraph 13.12 of the ISM Code.</p> <p>(3) If a renewed safety management certificate cannot be issued or placed on board a vessel before the expiry date of the existing certificate, AMSA may endorse the existing certificate to extend its term for up to 5 months in accordance with paragraph 13.13 of the ISM Code.</p> <p><i>Note</i> The owner of the vessel should submit a request to AMSA in writing for a safety management audit at least 4 weeks before it is required for a renewal verification.</p>	<p>paragraph 4.7 of the ISM Guidelines is carried out, the certificate must be endorsed by the issuing body after the additional verification.</p> <p><b>22 Duration of certificates</b></p> <p>(1) A safety management certificate:</p> <p>(a) comes into force on the day it is issued; and</p> <p>(b) ceases to be in force on the earliest of the following:</p> <p>(i) the day determined by the issuing body;</p> <p>(iii) the day the document of compliance for the owner of the vessel who has agreed to take over all the duties and responsibilities imposed by the ISM Code ceases to be in force.</p> <p>(2) An issuing body may extend the term of a safety management certificate, for up to 3 months, in accordance with paragraph 13.14 of the ISM Code.</p> <p>(3) An interim safety management certificate:</p> <p>(a) comes into force on the day it is issued; and</p> <p>(b) ceases to be in force on the earlier of:</p> <p>(i) the day determined by the issuing body; or</p> <p>(ii) the day 6 months after it is issued.</p> <p>(4) However, an issuing body may extend the term of an interim safety management certificate for a further period of up to 6 months in accordance with paragraph 14.3 of the ISM Code.</p> <p>(5) If a renewal verification is completed within 3 months before the expiry date of a safety management certificate, the new certificate comes into force and ceases to be in force in accordance with paragraph 13.10 of the ISM Code.</p> <p>(6) If a renewal verification is completed more than 3 months before the expiry date of a safety management certificate, the new certificate comes into force and ceases to be in force in accordance with paragraph 13.11 of the ISM Code.</p>	<p>This section transferred from section 21 of the current Marine order and also explains the certificate duration when the renewal verification is completed within or outside 3 months of the expiry of the certificate.</p>
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<p><b>23 Variation or revocation of safety management certificate or interim safety management certificate</b></p> <p>For sections 101 and 102 of the Navigation Act, the criteria for variation or revocation of a safety management certificate or an interim safety management certificate for a vessel are:</p> <ul style="list-style-type: none"> <li>(a) for a safety management certificate — the conditions mentioned in subsection 20(1) are not complied with; or</li> <li>(b) for an interim safety management certificate — the conditions mentioned in subsection 20(2) are not complied with; or</li> <li>(c) there is evidence of major non-conformity with the requirements for the certificate; or</li> <li>(d) the document of compliance for the owner of the vessel who has agreed to take over all the duties and responsibilities imposed by the ISM Code: <ul style="list-style-type: none"> <li>(i) has not been endorsed under section 14; or</li> <li>(ii) has expired and not been renewed; or</li> <li>(iii) has been revoked or varied; or</li> </ul> </li> <li>(e) the interim document of compliance for the owner of the vessel who has agreed to take over all the duties and responsibilities imposed by the ISM Code: <ul style="list-style-type: none"> <li>(i) has expired; or</li> </ul> </li> </ul>	<p>(7) If a renewal verification is completed after the expiry date of the safety management certificate, a new certificate comes into force and ceases to be in force in accordance with paragraph 13.12 of the ISM Code.</p> <p>(8) If a new safety management certificate cannot be issued or placed on board a vessel before the expiry date of the existing certificate, an issuing body may endorse the existing certificate to extend its term for up to 5 months in accordance with paragraph 13.13 of the ISM Code.</p> <p><b>23 Variation or revocation of safety management certificate or interim safety management certificate</b></p> <p>For sections 101 and 102 of the Navigation Act, the criteria for variation or revocation of a safety management certificate or an interim safety management certificate for a vessel are:</p> <ul style="list-style-type: none"> <li>(a) for a safety management certificate — the conditions mentioned in subsection 21 (1) are not complied with; or</li> <li>(b) for an interim safety management certificate — the condition mentioned in subsection 21 (2) is not complied with; or</li> <li>(c) there is evidence of major non-conformity with the requirements for the certificate; or</li> <li>(d) the document of compliance for the owner of the vessel who has agreed to take over all the duties and responsibilities imposed by the ISM Code: <ul style="list-style-type: none"> <li>(i) has not been endorsed under section 13; or</li> <li>(ii) has expired and not been renewed; or</li> <li>(iii) has been revoked or varied; or</li> </ul> </li> <li>(e) the interim document of compliance for the owner of the vessel who has agreed to take over all the duties and responsibilities imposed by the ISM Code: <ul style="list-style-type: none"> <li>(i) has expired; or</li> <li>(ii) has been revoked or varied; or</li> </ul> </li> </ul>	
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<p>(ii) has been revoked or varied; or</p> <p>(f) the owner of the vessel has requested a variation or revocation; or</p> <p>(g) the owner changes; or</p> <p>(h) the country of registration or the name for the vessel changes.</p> <p><i>Note</i> Section 315 of the Navigation Act provides that AMSA may require a certificate that has been issued for a regulated Australian vessel, and then revoked, to be delivered to AMSA or another specified person. The vessel may be detained until this requirement is complied with.</p>	<p>(f) the owner of the vessel has requested a variation or revocation; or</p> <p>(g) the owner changes; or</p> <p>(h) the country of registration or the name for the vessel changes.</p> <p>(i) for variation of a safety management certificate by extending the term of the certificate — the extension is either:</p> <p>(i) in accordance with paragraph 13.13 of the ISM Code and is for no more than 5 months; or</p> <p>(ii) in accordance with paragraph 13.14 of the ISM Code and is for no more than 3 months; or</p> <p>(j) for variation of an interim safety management certificate by extending the term of the certificate — the extension is in accordance with paragraph 14.3 of the ISM Code and is for no more than 6 months.</p> <p><i>Note</i> Section 315 of the Navigation Act provides that AMSA may require a certificate that has been issued for a regulated Australian vessel, and then revoked, to be delivered to AMSA or another specified person. The vessel may be detained until this requirement is complied with.</p>	<p>This added section transferred from section 21(2) and 21(4) of the current Marine Order.</p>
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