



**Australian Government**  
**Australian Maritime Safety Authority**

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AMSA MO 2026/[number]

**Marine Order 503 (Certificates of survey — national law) 2026**

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I, Kaylene Dale, Chief Executive Officer of the Australian Maritime Safety Authority, (the National Marine Safety Regulator under section 9 of the *Marine Safety (Domestic Commercial Vessel) National Law*), make this Marine Order under subsection 163(1) of the *Marine Safety (Domestic Commercial Vessel) National Law*.

2026

**[DRAFT ONLY — NOT FOR SIGNATURE]**  
Chief Executive Officer

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## Division 1 Preliminary

### 1 Name of Marine Order

This Marine Order is *Marine Order 503 (Certificates of survey — national law) 2026*.

### 1A Commencement

This Marine Order commences on [insert date].

### 1B Repeal of *Marine Order 503 (Certificates of survey — national law) 2018*

*Marine Order 503 (Certificates of survey — national law) 2018* is repealed.

### 2 Purpose

This Marine Order is to prescribe matters for the *Marine Safety (Domestic Commercial Vessel) National Law* in relation to certificates of survey.

### 3 Power

The *Marine Safety (Domestic Commercial Vessel) National Law* provides for this Marine Order to be made under section 159.

### 4 Application

This Marine Order applies to domestic commercial vessels.

### 5 Definitions and interpretation

(1) In this Marine Order:

**accredited marine surveyor** means a person who is accredited under section 24 of the *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013*.

**being constructed** means:

- (a) a vessel's keel has been laid; or
- (b) construction identifiable with the vessel has begun and at least the lesser of 5 tonnes, or 10% of the estimated mass of all structural material, of the vessel had been assembled.

**class rules** means the rules approved by a recognised organisation for a vessel.

**dangerous goods** has the same meaning as in NSCV Part C4.

**design approval** means:

- (a) design approval conducted in accordance with Part 2 of the *National Law — Marine Surveyors Accreditation Guidance Manual 2014*; or
- (b) vessel design, plans or construction drawings approved by a State or Territory or the Commonwealth; or
- (c) for an existing vessel — a certificate of compliance for design for a State or Territory agency responsible for marine safety.

**EPIRB** means a transmitter operating in the frequency band 406.0-406.1 MHz capable of transmitting a distress alert via satellite to a rescue coordination centre and transmitting signals for on-scene locating.

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**engineering** means machinery, electrical installations and LPG systems for engines.

**fast craft** has the same meaning as in NSCV Part B.

**high speed thrill ride vessel** means a Class 1 or Class 2 vessel used for high speed adventure or thrill rides where persons on board the vessel are intentionally subject to high speeds or vertical or horizontal accelerations.

**initial survey** has the same meaning as in Part 2 of the *National Law – Marine Surveyors Accreditation Guidance Manual 2014*.

**landing barge** means a vessel designed for beaching to enable the loading and discharge of cargo or persons by foot or vehicle directly from or onto the shoreline without the use of wharfs or other shore side facilities.

**load line certificate** has the same meaning as in *Marine Order 507 (Load line certificates — national law) 2018*.

**Marine Order 501** means *Marine Order 501 (Administration — national law) 2023*.

**modifier**, for a vessel, means any of the following circumstances apply:

- (a) carriage of dangerous goods including petroleum or gas products (other than petroleum or gas products intended for use on the vessel or fireworks carried on the vessel only for use on the vessel for a fireworks display);
- (b) the vessel has an inboard engine which operates on fuel that has a flashpoint of less than 60°C;
- (c) the vessel is operated primarily for towage;
- (d) the vessel is a support vessel in the offshore oil or gas industry;
- (e) the vessel is a Class 4 vessel with berthed persons;
- (f) the vessel is a Category F1 fast craft or Category F2 fast craft; or
- (g) the vessel is a landing barge that is of a design or for a use that the National Regulator has determined is likely to adversely affect its stability;
- (h) the vessel is at least 15 years old.

*Note for paragraph (d)* Examples are:

1. Offshore support vessels.
2. Offshore service vessels.
3. Anchor handling vessels.

Crew transfer boats and workboats are not classed as support vessels in the offshore oil or gas industry.

**National Law – Marine Surveyors Accreditation Guidance Manual 2014** means the National Law – Marine Surveyors Accreditation Guidance Manual 2014 that is published by AMSA.

**novel vessel** means a vessel, or class of vessel, mentioned in section 7.

*Note* NSCV Part B and the AMSA website at [www.amsa.gov.au](http://www.amsa.gov.au) provide information about vessels that are taken to be novel vessels by the National Regulator.

**operational area category** has the same meaning as in NSCV Part B.

**periodic survey** has the same meaning as in Part 2 of the National Law – Marine Surveyors Accreditation Guidance Manual 2014.

**prescribed service category change** means a reassigned or additional service category for a vessel that is:

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- (a) a change in the vessel use category; or
- (b) a change to increase the operational area category.

*Note* An example of an increase in operational area category is from E to D or D to C.

**recognised organisation** has the same meaning as in the Navigation Act 2012.

*Note* For organisations that have been prescribed for the definition of **recognised organisation** — see *Marine Order 1 (Administration) 2013*.

**renewal survey** has the same meaning as in Part 2 of the *National Law – Marine Surveyors Accreditation Guidance Manual 2014*.

**safety equipment** has the same meaning as in:

- (a) for a Class 1, 2 or 3 vessel — NSCV Part C7A; and
- (b) for a Class 4 vessel — NSCV Part F2; and
- (c) for a vessel that is a fast craft — NSCV Part F1A, NSCV Part F1B, or NSCV Part F1C, that applies to the vessel.

**service category** has the same meaning as in NSCV Part B.

**sister vessel** has the same meaning as in Part 2 of the *National Law – Marine Surveyors Accreditation Guidance Manual 2014*.

**unpowered barge** means a vessel that is:

- (a) navigated by a powered vessel that moves it by pushing or towing; and
- (b) not propelled by mechanical means other than a means of propulsion that may assist the vessel to:
  - (i) maintain a relatively fixed position when the vessel is at a work location; or
  - (ii) be towed to or from a work location.

**unrestricted electrical licence** means an electrical licence (however described) issued by a State or Territory that permits a person to perform all electrical work including:

- (a) installing electrical wiring; and
- (b) repairing electrical equipment.

**vessel use category** has the same meaning as in NSCV Part B.

*Note 1* Some terms used in this Marine Order are defined in Marine Order 501, including:

- approved form
- national law
- NSCV
- USL Code.

*Note 2* Other terms used in this Marine Order have the same meaning that they have in the national law, including:

- certificate of survey
- domestic commercial vessel
- foreign vessel.

- (2) Unless the contrary intention appears, mention in this Marine Order of any of the following instruments means the instrument existing from time to time:
  - (a) *National Law – Marine Surveyors Accreditation Guidance Manual 2014*;
  - (b) NSCV;
  - (c) USL Code.

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*Note* These instruments are available from AMSA's website at [www.amsa.gov.au](http://www.amsa.gov.au).

## **6 Existing vessel, transitional vessel and new vessel — meaning**

- (1) For this Marine Order, a domestic commercial vessel is an existing vessel if:
  - (a) for a vessel that was constructed before 1 July 2013 — it was entitled, or issued with a survey certificate (however described), under an Australian State, Territory or Commonwealth law to operate in connection with a commercial, governmental or research activity for the 2 year period ending on 30 June 2013 and it was not a foreign vessel at any time in that 2 year period; and
  - (b) for a vessel that was being constructed on 30 June 2013 — it has design approval lodged and approved before 1 July 2013 for use in connection with a commercial, governmental or research activity and, if completed after 30 June 2013, it has been used in connection with a commercial, governmental or research activity in the 2 year period after its completion; and
  - (c) for a vessel that had not commenced construction before 1 July 2013 — it was being constructed on 30 June 2016 and has design approval that was lodged before 1 July 2013, and subsequently approved, for use in connection with a commercial, governmental or research activity and, if completed after 30 June 2016, it has been used in connection with a commercial, governmental or research activity in the 2 year period after its completion.
- (2) However, an existing vessel is taken to be a transitional vessel if:
  - (a) a change mentioned in Schedule 1 has occurred; or
  - (b) before the first issue of a certificate of survey, the vessel operated as an existing vessel under an exemption from a certificate of survey; or
  - (c) the vessel has had a certificate of survey or other approval that was not in force for a period of at least 2 years (unless the vessel met the survey requirements under this Marine Order for that period); or
  - (d) the vessel is determined a novel vessel under section 7.

*Note for paragraph (a)* Changes mentioned in Schedule 1 include changes to the vessel's operations, structure, equipment, systems, fittings, or arrangements. Paragraph 17(1)(h) provides that it is a condition on a certificate of survey that the vessel is not to be operated if a change mentioned in Schedule 1 has occurred.

*Note for paragraph (b)* See Exemption 02 Marine Safety (Certificates of survey) Exemption.

- (3) For this Marine Order, a domestic commercial vessel is a new vessel if subsections (1) and (2) do not apply to the vessel.

## **7 Determinations**

- (1) A person may apply, in accordance with Marine Order 501, for a determination mentioned in the *National Law – Marine Surveyors Accreditation Guidance Manual 2014* that is specified to be made by the National Regulator.
- (2) A person may apply, in accordance with Marine Order 501, for a determination mentioned in subsection (3).
- (3) The National Regulator may make a determination on application or on its own initiative.

*Note* Division 4 of Marine Order 501 provides for the review of decisions that are made in accordance with the application process in that Marine Order.

- (4) The National Regulator may determine whether or not a vessel, or class of vessel, is a novel vessel taking into account the following:
  - (a) the function, form, power or fuel source, propulsion or arrangements of the vessel;
  - (b) the extent to which standards prescribed under section 159 of the national law apply to those areas of the vessel.
- (5) For sections 16 and 17 of Marine Order 501, a decision made for subsection (3) is a reviewable decision.

## 8 Approvals

- (1) A person may apply, in accordance with Marine Order 501, for an approval mentioned in the *National Law – Marine Surveyors Accreditation Guidance Manual 2014* that is specified to be made by the National Regulator.

*Note* Division 5 of Marine Order 501 provides for the review of decisions that are made in accordance with the application process in that Marine Order.

- (2) The National Regulator may make an approval mentioned in subsection (1) on application or on its own initiative.

## Division 2 Requirements for certificates of survey

### 9 Application for certificate

- (1) For subsection 37(2) of the national law, an application for a certificate of survey for a domestic commercial vessel must be made in accordance with section 9 of Marine Order 501.
- (2) Division 3 (other than section 13) of Marine Order 501 applies to an application for a certificate of survey.

### 10 Survey standards

- (1) This section prescribes the standards for the survey of a domestic commercial vessel that must be conducted by a person mentioned in section 11.
- (2) An initial survey, periodic survey or renewal survey must be conducted in accordance with Part 2 of the *National Law – Marine Surveyors Accreditation Guidance Manual 2014*.

*Note 1* Part 2 of the *National Law – Marine Surveyors Accreditation Guidance Manual 2014* sets out how the survey is to be conducted.

*Note 2* Plan approval is required to be obtained before construction of a vessel commences — see *National Law – Marine Surveyors Accreditation Guidance Manual 2014*.

### 11 Persons conducting surveys

- (1) For a vessel that is <35 m, the survey must be conducted by:
  - (a) the National Regulator; or
  - (b) an accredited marine surveyor who is accredited to perform the survey undertaken; or
  - (c) a recognised organisation.

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- (2) For a vessel that is  $\geq 35$  m, the survey must be conducted by:
- (a) for construction, anchoring equipment and engineering — a recognised organisation; and
  - (b) for other areas — any of the persons mentioned in subsection (1).
- (3) However, for a vessel  $\geq 35$  m that is an existing vessel or transitional vessel, the survey mentioned in paragraph 2(a) may also be conducted by an accredited marine surveyor if the survey process that applied on the vessel's last survey before 1 July 2013 permitted a person other than a recognised organisation to survey those matters.
- (4) Despite subsections (1) to (3), an electrical survey of a vessel must be conducted by:
- (a) for electrical survey for plan approval — any of the persons mentioned in subsection (1); and
  - (b) for electrical survey other than for plan approval:
    - (i) an accredited marine surveyor who is accredited to perform electrical surveys; or
    - (ii) a person who holds an unrestricted electrical licence and has public liability or professional indemnity insurance for electrical work; or
    - (iii) if the survey is for extra-low voltage system only — a person who is qualified under any State or Territory laws that apply and has public liability or professional indemnity insurance for electrical work; or
    - (iv) a recognised organisation.

*Note* A person who holds an unrestricted electrical licence must comply with the relevant laws of their State or Territory.

- (5) A person conducting an electrical survey mentioned in paragraph (4)(b)(ii) and (iii) must give a compliance report to the person conducting the commissioning survey of the other aspects of the vessel as soon as practicable after the electrical survey is completed unless the person conducted both surveys.

*Note* The effect of section 11 is that a combination of persons mentioned in subsection 11(1) and 11(4) may be involved in the conduct of the survey of a vessel.

- (6) Despite subsections (1) to (5), the survey of a novel vessel must be conducted by a recognised organisation.

## **12 Vessel and equipment standards — existing vessels**

For an existing vessel the standards are:

- (a) for safety equipment and EPIRB arrangement:
  - (i) for a Class 1, 2 or 3 vessel — the standards that apply to the vessel in accordance with NSCV Parts C7A and F1; and
  - (ii) for a Class 4 vessel — the standards that apply to the vessel in accordance with NSCV Part F2; and
- (b) for arrangement, accommodation and personal safety, watertight and weathertight integrity, construction, fire safety, engineering, stability, equipment (other than the equipment mentioned in paragraph (a)) and associated systems:
  - (i) if the vessel operated before 1 July 2013 — the standards that applied to the vessel on 30 June 2013; and

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- (ii) if the vessel did not operate before 1 July 2013 — the standards that applied to the vessel when design approval was approved.

*Note 1* NSCV Part C applies to vessels that are Class 1, 2 or 3. NSCV Part F1 applies to vessels that are fast craft. In NSCV Parts C7 and F1, *safety equipment* does not include communications equipment, navigation equipment, fire equipment or anchoring systems.

NSCV Part F2 applies to vessels that are Class 4. In NSCV Part F2, *safety equipment* means appliances for saving or protecting life, including communications equipment (including EPIRB arrangement), navigation equipment, fire equipment and anchoring systems.

*Note 2* Associated systems include fuel, bilge, exhaust and ventilation systems.

### 13 Vessel and equipment standards — new vessels

- (1) For a new vessel that is <35 m, the vessel and equipment standards are:
- (a) for watertight and weathertight integrity, arrangement, accommodation and personal safety, fire safety, stability, equipment and associated systems — the NSCV; and
  - (b) for construction, anchoring equipment and engineering — the NSCV or class rules if design approval was completed by a recognised organisation.

*Note 1* An example for paragraph (b) is a vessel complying with class rules for its anchoring equipment and the NSCV for all other aspects of the vessel.

*Note 2* The standards mentioned in this subsection are the standards that apply to a new vessel in accordance with the application provision of each standard.

*Note 3* A vessel is taken to meet the required outcomes specified in the NSCV if the vessel meets the deemed to satisfy solutions.

- (2) Subject to subsections (3) to (4), a new vessel that is <35 m may comply with those standards that applied to the vessel when it was first issued a certificate of survey unless:
- (a) there has been a period of more than 5 years when its certificate was not in force; or
  - (b) there is a change that is mentioned in Schedule 1.
- (3) If paragraph (2)(a) applies (period of more than 5 years when a certificate of survey was not in force) — the standards are the standards mentioned in subsection (1).
- (4) If paragraph (2)(b) applies (a change mentioned in Schedule 1) — the standards are:
- (a) for the area of the vessel affected by the change — the standards mentioned in subsection (1) that applied at the time of the change; and
  - (b) for other areas of the vessel — the standards that applied to the vessel when it was first issued a certificate of survey.
- (5) For a new vessel that is  $\geq 35$  m — the vessel and equipment standards are:
- (a) for arrangement, accommodation and personal safety, watertight and weathertight integrity, fire safety, stability, equipment and associated systems — the standards mentioned in subsections (1) to (4); and
  - (b) for construction, anchoring equipment and engineering — class rules.

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- (6) A sister vessel to a new vessel may comply with the vessel and equipment standards that applied to the basis vessel under this section if:
- (a) the sister vessel has:
    - (i) the same length, lines, structural arrangement and scantlings as the basis vessel; and
    - (ii) equal or lesser design displacement as the basis vessel; and
    - (iii) equal or slower maximum speed as the basis vessel; and
    - (iv) the engineering arrangements mentioned in Part 2 of the *National Law – Marine Surveyors Accreditation Guidance Manual 2014* — if those arrangements apply under that manual; and
    - (v) met the lightship displacement limits mentioned in Part 2 of the *National Law – Marine Surveyors Accreditation Guidance Manual 2014* — if those limits apply under that manual; and
  - (b) it is intended for the sister vessel to operate in the same service category as the basis vessel, or with a service category that has a decreased operational area category; and
  - (c) for the first construction phase survey of the sister vessel — no more than 3 years has elapsed since any replacement of each standard applying to the basis vessel under subsection (1) or paragraph (5)(a).

*Note for paragraph (c)* On request, the National Regulator can provide information concerning the change history of standards for calculating the expiry of the 3 year period.

- (7) Despite subsections (2) to (6), for safety equipment and EPIRB arrangement, the standards are the standards mentioned in paragraph (1)(a).

#### **14 Vessel and equipment standards — transitional vessels**

- (1) For a transitional vessel — the vessel and equipment standards are:
- (a) if a Schedule 1 change occurs — the standards mentioned in Schedule 2 that applied at the time of the change; and
  - (b) otherwise — the standards mentioned in Schedule 2 that applied when the vessel becomes a transitional vessel.
- (2) However, for a transitional vessel that is a novel vessel — the vessel and equipment standards are the following:
- (a) if a Schedule 1 change occurs — the standards mentioned in Schedule 2 that applied at the time of the change; and
  - (b) if a Schedule 1 change has not occurred:
    - (i) for electrical, fire safety, intact stability, subdivision and damage stability, and safety equipment — the standards mentioned in table 1 of clause 3 of Schedule 2; and
    - (ii) otherwise — the standards that applied to the vessel at 30 June 2013.

#### **15 Technical specifications — novel vessels**

For a novel vessel — technical specifications must:

- (a) be determined from time to time by the vessel's recognised organisation to ensure the safe design, construction and systems integration of the vessel that provides for:
  - (i) safety of persons onboard; and

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- (ii) protection of the environment; and
- (b) identify goals, functional requirements or performance criteria for any area of the vessel that is novel and other areas affected; and
- (c) take into account the following:
  - (i) identification of hazards arising from novel aspects of vessel; and
  - (ii) an analysis of risk to assess likelihood and impact of each hazard; and
  - (iii) the control measures which are reasonably practicable to implement to achieve the matters mentioned in paragraph (a).

*Note* See section 7 for novel vessel determination.

## 16 Issue of certificate of survey (CoS)

- (1) For paragraph 38(1)(b) of the national law, the National Regulator is satisfied that the vessel has had a survey as follows:
  - (a) in accordance with Table 1 for a vessel that:
    - (i) has had a Schedule 1 change; and
    - (ii) either:
      - (A) has a certificate that is in force on application; or
      - (B) had a certificate in force within 5 year period before application; or
  - (b) completed a renewal survey within 6 month period before certificate issue for a vessel that:
    - (i) has not had a Schedule 1 change; and
    - (ii) either:
      - (A) has a certificate that is in force on application; or
      - (B) had a certificate in force within 5 year period before application; or
  - (c) completed an initial survey within 6 month period before certificate issue for a vessel that:
    - (i) has not previously been issued a certificate; or
    - (ii) has an expired certificate that has not been in force within 5 year period before application; or
    - (iii) is a novel vessel.

**Table 1 Vessel with MO503 Schedule 1 change**

Item	Kind of Schedule 1 change	Initial survey requirements for CoS issue	Renewal survey requirements for CoS issue
1	clauses 1 and 2	Completion within 6 month period before certificate issue	N/A
2	clause 3, 4, 5, 7 or 8 or paragraph 6(a), (b), (e) or (f), or 9(a) or (d)	Completion within 6 month period before certificate issue for area of the	Completion within 6 month period before certificate issue for areas of the vessel not affected by Schedule 1 change

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Item	Kind of Schedule 1 change	Initial survey requirements for CoS issue	Renewal survey requirements for CoS issue
		vessel affected by Schedule 1 change	
3	Paragraphs 6(c), 6(d) or 9(b) or (c)	N/A	Completion within 6 month period before certificate issue

*Note 1* For the 6 month period mentioned in the table, the survey may be commenced before the start of that period.

*Note 2* Paragraph 17(1)(a) imposes periodic surveys of a frequency set out in Schedule 3 as a condition of certificates of survey issued in compliance with this section.

- (2) For paragraph 38(1)(c) of the national law, the criteria for the issue of a certificate of survey are that:
- (a) if the vessel is a novel vessel — the National Regulator is satisfied that the vessel meets the technical specifications mentioned in this Marine Order that apply to the vessel; and
  - (b) the National Regulator is satisfied that the vessel meets the standards mentioned in this Marine Order that apply to the vessel; and
  - (c) if *Marine Order 507 (Load line certificates — national law) 2018* applies to the vessel — the vessel has a load line certificate or the National Regulator is satisfied that the vessel will obtain a load line certificate;
  - (d) the National Regulator is satisfied that the vessel meets the standards for construction and equipment as required by Annex I of MARPOL if the vessel:
    - (i) is a new vessel; and
    - (ii) has not been issued a certificate of survey before 1 July 2018; and
    - (iii) is  $\geq 35$ m in length; and
    - (iv) is at least 400 GT.

*Note* An application for a certificate must be made in accordance with section 9 and be accompanied by any prescribed fee.

- (3) However, if an equivalent means of compliance, approved under section 23, replaces the standards that apply to the vessel, the National Regulator must be satisfied that the vessel:
- (a) meets the equivalent means of compliance;
  - (b) meets the standards mentioned in the Marine Order that apply to the vessel, including conditions mentioned in subsection (1), to the extent those standards or conditions are not replaced.

*Note* For the issue of a certificate of survey, if a standard is not met, a vessel may be eligible for an approved equivalent means of compliance — see Division 4 for the requirements concerning application and approval of an equivalent means of compliance.

## 17 Conditions on certificate

- (1) A certificate of survey is subject to the following conditions:
- (a) the vessel must complete a periodic survey in accordance with the frequency mentioned in Schedule 3;

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*Note for paragraph (a)* The frequency and kind of periodic survey to be conducted for a vessel varies depending on whether the vessel is in high, medium or low survey frequency.

- (b) if the vessel is a novel vessel — the vessel must meet the technical specifications that apply to it;
- (c) the vessel must meet the standards that apply to it;
- (d) after periodic survey of the vessel, the owner must ensure that the National Regulator is provided a report setting out the condition of the vessel and the extent of its compliance with the standards that apply to it;
- (e) any certificate of currency relating to equipment that is required to be carried on the vessel must be kept current;
- (f) the maximum number of people permitted at the same time on the vessel, or any part of the vessel, must not be exceeded;
- (g) the owner of the vessel must:
  - (i) notify the National Regulator if any changes are made after 1 July 2018 to the vessel's structure, arrangements, engineering, material or scantlings, including changes that are not mentioned in Schedule 1; and
  - (ii) provide a report setting out the condition of the vessel and the extent of its compliance with the standards that apply to it; and
- (h) the vessel must not be operated if a change mentioned in Schedule 1 has occurred;

*Note for paragraph (c)* Any defect identified in a survey, including periodic survey, must be rectified otherwise the vessel is not meeting the standards that apply to it.

*Note for paragraph (h)* A vessel may only recommence operating if a new certificate of survey is issued by the National Regulator under subsection 38(1) of the national law.

- (i) if the owner of the vessel transfers ownership to another person, the transferee must, within 14 days after the transfer, notify the National Regulator in writing of:
  - (i) the date of transfer; and
  - (ii) the name and address of the transferee;
- (j) the owner of the vessel must notify the National Regulator in writing within 14 days if:
  - (i) the vessel is sunk or scrapped, and the time and location of sinking or scrapping; or
  - (ii) the vessel has been damaged and an insurance claim has been made for that damage; or
  - (iii) the owner changes address; or
  - (iv) any information in the certificate is no longer accurate.

*Note 1* Other conditions may be imposed — see paragraph 38(3)(b) of the national law.

*Note 2* It is an offence to breach a condition of a certificate of survey — see sections 45 and 46 of the national law.

*Note 3* For the avoidance of doubt, a certificate of survey issued prior to 1 July 2018 is subject to the conditions mentioned in this section.

- (2) However, if there is in effect an equivalent means of compliance approved under section 23, the vessel must:
  - (a) meet the equivalent means of compliance; and

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- (b) meet the standards that apply to the vessel under this Marine Order to the extent that the equivalent means of compliance does not replace those standards.

### **18 Duration of certificate**

If a certificate of survey does not specify a date on which it ceases to be in force, the certificate ceases to be in force 5 years after it comes into force.

## **Division 3 Variation, suspension and revocation of certificates of survey**

### **19 Application for variation, suspension or revocation of certificate**

For subsection 39(2) of the national law, an application for variation, suspension or revocation of a certificate of survey must be made by the owner of the vessel in the approved form and be accompanied by any prescribed fee.

### **20 Criteria for variation of certificate**

- (1) For paragraph 40(1)(b) of the national law, the criteria for the National Regulator to vary a certificate of survey on application are any of the following:
  - (a) there has been a removal of a service category;
  - (b) the owner of the vessel has changed;
  - (c) the name of the vessel has changed;
  - (d) information in the certificate is no longer accurate;
  - (e) the vessel has been altered (other than a change mentioned in Schedule 1), damaged or sold;
  - (f) there is a change to the maximum number of people or passengers permitted at the same time on the vessel, or any part of the vessel, that is less than the maximum number of people or passengers permitted by the certificate of survey currently held.

*Examples for paragraph (a)*

- 1 Class 2C vessel to operate as Class 2D vessel.
  - 2 Class 3B vessel to operate as Class 3C vessel.
- (2) For paragraph 40(2)(a) of the national law, the criteria for the National Regulator to vary a certificate of survey on its initiative are any of the following:
    - (a) there has been a removal of a service category;
    - (b) the owner of the vessel has changed;
    - (c) the name of the vessel has changed;
    - (d) the National Regulator becomes aware that a vessel to which the certificate applies has been altered (other than a change mentioned in Schedule 1), damaged or sold;
    - (e) the National Regulator considers that any of the information mentioned in the certificate is no longer accurate;
    - (f) there is a change in conditions imposed on the certificate under paragraph 38(3)(b) of the national law.

## 21 Suspension of certificate

- (1) For paragraph 41(1)(b) of the national law, the criterion for the National Regulator to suspend a certificate of survey on application is that any fees relating to the certificate have been paid.

*Note* An application by the owner for a suspension of a certificate must be in accordance with section 19.

- (2) For subsection 41(2A) of the national law, the purpose for the suspension of a certificate of survey on the National Regulator's initiative is any of the following:
  - (a) ensuring any unpaid fees relating to the vessel are recovered;
  - (b) ensuring necessary repairs are made to the vessel;
  - (c) ensuring the vessel meets the standards or survey requirements that apply to it;
  - (d) ensuring that the vessel is not operated in contravention of a detention notice, a direction, an improvement notice or a prohibition notice.

*Note* The National Regulator must suspend a certificate if satisfied the suspension is necessary for other purposes (e.g. protecting human life) — see subsection 41(2) of the national law.

- (3) For paragraph 41(3)(b) of the national law, the period of suspension is:
  - (a) for a suspension on application mentioned in subsection 41(1) of the national law — 18 months; and
  - (b) for a suspension on the National Regulator's initiative mentioned in subsections 41(2) and (2A) of the national law — 24 months.

*Note 1* Under paragraph 72(2)(a) of the national law the National Regulator must, before suspending a certificate under subsection 41(2A), give the holder of the certificate a notice inviting the holder to show cause, within a reasonable period specified in the notice, why the certificate should not be suspended.

*Note 2* The prescribed period of suspension is the maximum period a suspension may remain in force. The National Regulator may specify in writing an earlier period — see paragraph 41(3)(b) of the national law.

*Note 3* Suspension of a certificate of survey does not extend the duration of the certificate.

## 22 Criteria for revocation of certificate

- (1) For paragraph 42(1)(b) of the national law, the criterion for the National Regulator to revoke a certificate of survey on application is that any fees relating to the certificate have been paid.
- (2) For paragraph 42(2)(a) of the national law, the criteria for revocation of a certificate of survey by the National Regulator on its initiative are that:
  - (a) the National Regulator considers it to be necessary in the interest of marine safety or protecting the environment; or
  - (b) the certificate was issued in error; or
  - (c) a change mentioned in Schedule 1 has occurred since the certificate of survey was issued; or
  - (d) there has been a marine incident in relation to the vessel; or
  - (e) the vessel ceases to be a domestic commercial vessel.

## Division 4 Equivalent means of compliance

### 23 Approval of equivalent means of compliance

- (1) The National Regulator may approve an equivalent means of compliance:
  - (a) on application by a person; or
  - (b) on the initiative of the National Regulator.
- (2) The National Regulator may approve an equivalent means of compliance if satisfied that it is at least as effective as any part of the standards that it replaces.
- (3) The National Regulator may impose conditions on the approval.

*Note* The National Regulator may revoke an approval under section 33(3) of the Acts Interpretation Act.

- (4) A decision to refuse to approve an equivalent means of compliance under paragraph (1)(a) is a reviewable decision for sections 16 and 17 of Marine Order 501.
- (5) An equivalent means of compliance approved under *Marine Order 503 (Certificates of survey — national law) 2018* is taken to be an equivalent means of compliance under this section if in effect and not expired on [insert date].

### 24 Application for equivalent means of compliance

- (1) An application for the approval of an equivalent means of compliance mentioned in paragraph 23(1)(a) must be made in accordance with section 9 of Marine Order 501.

*Note* The application should mention the particular standards applying to the vessel that are to be replaced.

- (2) The application for an approval of an equivalent means of compliance must include:
  - (a) details of the standards in this Marine Order that apply to the vessel, to which the application relates; and
  - (b) a statement explaining how the proposed equivalent means of compliance is at least as effective as compliance with the standards applying to the vessel, that it is to replace; and
  - (c) at least 1 document supporting the statement mentioned in paragraph (b).

*Note* If the application relates to the NSCV, the statement may explain how the equivalent means of compliance meets the required outcomes in the NSCV that apply (if any) to the same level of safety as the deemed to satisfy solution. If the application relates to the USL Code, the statement may explain how the equivalent means of compliance meets each requirement of the USL Code to the same level of safety.

*Examples for paragraph (c)*

- 1 A report from an accredited marine surveyor.
  - 2 National Association of Testing Authorities, Australia (NATA) testing results.
  - 3 A mill test report.
- (3) Division 3 (other than section 13) of Marine Order 501 applies to an application for an equivalent means of compliance.

## Schedule 1 Vessel changes

(Subsections 6(2), 13(2), 13(4), 16(1), 17(1), 20(1) and (2) and 22(2) and Schedule 2)

- 1 There is a change in operations for the vessel that:
  - (a) has not been permitted under its certificate of survey in the previous 5 years; and
  - (b) is a prescribed service category change.

*Examples*

- 1 Class 2 vessel to operate as Class 1 vessel.
  - 2 Class 3C vessel to operate as Class 2B vessel.
  - 3 Class 2C vessel to operate as Class 2B vessel.
  - 4 Class 4 vessel to operate as any other class.
- 2 Vessel's operations are relocated to outside the geographical location restrictions that apply to the vessel's certificate of survey or certificate of operation.

*Example*

A vessel has a certificate of survey or certificate of operation that restricts the vessel to operating in Sydney Harbour, but the vessel has relocated to operate in Spencer Gulf.

*Note* A vessel previously regulated under the State or Northern Territory law may be subject to geographical location restrictions on any certificate of survey or certificate of operation issued under the national law. Examples of vessels previously regulated under the State or Northern Territory law with specific geographical location restrictions include: WA survey exempt vessels, NSW commercially registered vessels, Qld certificate of registration vessels, SA certificate of inspection vessels.

- 3 The vessel commences carriage of a class of dangerous goods that is a class not previously permitted to be carried.
- 4 The vessel commences an operation that:
  - (a) has overnight accommodation that is in use for the first time overnight; or
  - (b) is more than 36 hours without access to a shore-based sleeping facility; or
  - (c) has an increase in accommodation level as set out in NSCV Part C1.
- 5 There is an increase in the number of people or passengers on the vessel, or any part of the vessel, that exceeds any limit permitted under a certificate of survey for the vessel in the previous 5 years.
- 6 Any of the following changes:
  - (a) installation of berths or extra berths;
  - (b) increase in propulsion power (unless there are assumptions and calculations used for structural or stability design approval and the increase does not invalidate those assumptions and calculations);
  - (c) variation to lightship displacement of at least 4%;
  - (d) variation to lightship LCG by at least 2%;
  - (e) increase in windage profile of the vessel (unless there are assumptions and calculations used for structural or stability design approval and the increase does not invalidate those assumptions and calculations);
  - (f) the removing, repositioning, installing or modifying of the following (unless there are assumptions and calculations used for structural or

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stability design approval and the change does not invalidate those assumptions and calculations):

- (i) any portion of fixed ballast; or
- (ii) lifting equipment; or
- (iii) net reels; or
- (iv) cranes; or
- (v) trawl apparatus; or
- (vi) refrigeration systems; or
- (vii) any kind of tank including for fish, fuel or water; or
- (viii) towing points; or
- (ix) stern gear.

- 7 A change to the vessel's loading, structure or watertight integrity that necessitates the vessel's structural or stability design approval to be re-assessed for compliance with the standards applying to vessel.

*Examples*

- 1. A change to vessel dimensions such as adding a section to lengthen it.
- 2. Alteration of passageway or means of access to the vessel or its spaces.
- 3. Adding or removing a watertight bulkhead.
- 4. A change causing the vessel's design displacement to be exceeded.
- 5. Adding, removing or altering a deck.

- 8 Any other change to the vessel's loading, structure or watertight integrity.

*Examples*

- 1. Adding a non-buoyant swim platform to a vessel that extends the length by 1 m.
- 2. Adding a door within an existing bulwark.
- 3. Adding a bulbous bow or bow thruster to a vessel.
- 4. Adding a crane foundation or structural installation on deck.
- 5. Extending a wheelhouse or superstructure.
- 6. Altering a corridor or passageway.

- 9 Other than a like for like replacement of equipment or fittings, there is a change to any of the following for the vessel:

- (a) battery type or chemistry;
- (b) fixed fire system that does not meet NSCV Part C4;
- (c) gas system;
- (d) electrical power and generators.

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## Schedule 2 Standards for transitional vessels

(Paragraph 14(1)(a))

*Note* Survey requirements for the issue of a new certificate of survey following a change mentioned in Schedule 1 are set out in table 1 of subsection 16(1).

### 1 Standards for transitional vessels other than Class 4 vessels and fast craft

The standards for a transitional vessel (other than a Class 4 vessel or fast craft) are:

- (a) for a vessel affected by any change mentioned in clause 1, 2, 3, 4, 5, 6, or 8 of Schedule 1 — the standards mentioned in table 1; and
- (b) for a vessel affected by any change mentioned in clause 7 of Schedule 1 — the standards mentioned in:
  - (i) subsection 13(1) for the area of the vessel affected by the change and the area of the vessel affected by any previous change mentioned in clause 7 of Schedule 1; and
  - (ii) table 1 for the other areas of the vessel not affected by the change, or any previous change, mentioned in clause 7 of Schedule 1; and
- (c) for a vessel affected by any change mentioned in clause 9 of Schedule 1 — the standards mentioned in:
  - (i) subsection 13(1) for the area of the vessel affected by the change and the area of the vessel affected previously by that change; and
  - (ii) NSCV Part C4 for installation of a fixed fire detection and extinguishing system; and
  - (iii) AS/NZS 3000 *Electrical installations*, existing from time to time for fitting of residual current devices; and
  - (iv) table 1 for safety equipment, communication equipment, navigation equipment and anchoring systems; and
  - (v) the standards that applied to the vessel on 30 June 2013 for any other area; and
- (d) for a vessel that has not had a certificate of survey in force for a period of at least 2 years — the standards mentioned in table 1.

### 2 Standards for transitional vessel that are Class 4 vessels

The standards for a transitional vessel that is a Class 4 vessel are the standards mentioned in NSCV Part F2.

### 3 Standards for transitional vessels that are fast craft

The standards for a transitional vessel that is a fast craft are:

- (a) for safety equipment, communications equipment and navigation equipment — the standards mentioned in NSCV Part F1; and
- (b) for other areas of the vessel — the standards mentioned in table 1.

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**Table 1 Standards applying to transitional vessels**

Area of vessel	Standards
Arrangement, accommodation and personal safety	<p>NSCV Part C1 or the following:</p> <ul style="list-style-type: none"> <li>(a) if a change mentioned in clause 1, 2, 6 or 8 of Schedule 1 has occurred — the following: <ul style="list-style-type: none"> <li>(i) Chapters 1, 3 and 6 of NSCV Part C1;</li> <li>(ii) the USL Code 1989, Section 5, Sub-section F, clause 3.12;</li> <li>(iii) the USL Code 2008, Section 5 Sub-Section E (other than clauses E.8 to E.11);</li> <li>(iv) the USL Code 2008, Section 6;</li> <li>(v) for accommodation ladders, gangways and safe means of access — the USL Code 2008, Section 13, Part 3 and Appendix F of Part 4; and</li> </ul> </li> <li>(b) NSCV Part C1 if the change results in: <ul style="list-style-type: none"> <li>(i) new or additional berths installed; or</li> <li>(ii) new types of overnight operations commencing; or</li> <li>(iii) pilot operations commencing; and</li> </ul> </li> <li>(c) in any other case — the following: <ul style="list-style-type: none"> <li>(i) Chapters 1 and 3 of NSCV Part C1;</li> <li>(ii) the USL Code 2008, Section 5 Sub-Section E;</li> <li>(iii) the USL Code 2008, Section 6;</li> <li>(iv) for accommodation ladders, gangways and safe means of access — the USL Code 2008, Section 13, Part 3 and Appendix F of Part 4</li> </ul> <p><i>Note for subparagraph (a)(iv) and (c)(iv)</i> For Appendix F of Part 4 — Marine Order 12 has replaced Marine Orders Part 23.</p> <p><i>Note</i> If the change is covered by either paragraph (a) or (b), the standard to be met is the standard mentioned in paragraph (b).</p> </li> </ul>
Watertight and weathertight integrity	<p>NSCV Part C2 or the following:</p> <ul style="list-style-type: none"> <li>(a) USL Code 1993 or USL Code 2008, Section 5, Sub-Section C, clauses C.42 to C.47, C.49 to C.53, C.54.2, C.55 to C.57, C61.1, C.61.2a, C.61.3, C.61.3a, C.61.4, C.61.5, C.67, C.68, C.69.1 to C.69.6, and C.70 to C.73; and</li> <li>(b) USL Code 1989 or USL Code 2008, Section 5, Sub-section D, clauses D.9 to D.15 and D.18 to D.36; and</li> <li>(c) USL Code 1989 or USL Code 2008, Section 7</li> </ul>

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Area of vessel	Standards
Construction	<p>NSCV Part C3 or the following:</p> <ul style="list-style-type: none"> <li>(a) USL Code 1993, USL Code 2008 Section 5, Sub-Sections G to M if: <ul style="list-style-type: none"> <li>(i) the assumptions or calculations used for the structural or stability design approval have not been invalidated by any increase in displacement or speed or a prescribed service category change; and</li> <li>(ii) the documentation evidencing the design approval mentioned in subparagraph (i) is available for verification; and</li> </ul> </li> <li>(b) in any other case — NSCV Part C3 except that vessels <math>\geq 35</math> m may comply with clause 3.2 of NSCV Part C3</li> </ul>
Fire safety	<p>NSCV Part C4 or the following:</p> <ul style="list-style-type: none"> <li>(a) if the change results in an increase in passengers permitted on the vessel — NSCV Part C4; and</li> <li>(b) if the change (other than a change mentioned in paragraph (a)) results in the vessel's fire risk category, determined in accordance with clause 3.1 of NSCV Part C4, remaining unchanged or decreasing — the following: <ul style="list-style-type: none"> <li>(i) USL Code 1989 or USL Code 2008, Section 5, Sub-Section F and Section 11;</li> <li>(ii) installation of a fixed fire detection and extinguishing system as required by NSCV Part C4; and</li> </ul> </li> <li>(c) if the change results in the vessel's fire risk category, determined in accordance with clause 3.1 of NSCV Part C4, increasing — NSCV Part C4; and</li> <li>(d) if dangerous goods are to be carried — NSCV Part C4 to the extent that it has requirements for the carriage of, and containment spaces for, dangerous goods <p style="margin-left: 40px;"><i>Note for paragraphs (a) and (b)</i> To determine if a vessel's fire risk category has decreased, remains unchanged or increased, the vessel's fire risk category based on the nature of its operations before and after any change (see Table 2 of clause 3.1 of NSCV Part C4) must be established.</p> </li> </ul>
Machinery	<p>NSCV Part C5A or the following:</p> <ul style="list-style-type: none"> <li>(a) the standard mentioned in the vessel's design approval if:</li> </ul>

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Area of vessel	Standards
	<ul style="list-style-type: none"> <li>(i) the change does not invalidate the assumptions and calculations used for the design approval; and</li> <li>(ii) the documentation evidencing the design approval is available for verification; and</li> </ul> <p>(b) in any other case — NSCV Part C5A or USL Code, Section 9</p>
Electrical	<p>NSCV Part C5B or the following:</p> <ul style="list-style-type: none"> <li>(a) USL Code 1993, Section 9, Part 4; and</li> <li>(b) residual current devices are to be fitted in accordance with AS/NZS 3000 <i>Electrical installations</i>, existing from time to time</li> </ul>
LPG appliances	NSCV Part C5C
LPG engines	NSCV Part C5D
Intact stability	<p>NSCV Part C6 or the following:</p> <ul style="list-style-type: none"> <li>(a) for new or additional operations for the vessel — NSCV Part C6; and</li> <li>(b) in any other case — USL Code 2008, Section 8, Sub-Section A, USL Code 1993, Sub-Sections B and C; and</li> <li>(c) the person weight used for calculations under paragraph (b) must be in accordance with NSCV Part C6</li> </ul>
Subdivision and damage stability	<p>NSCV Part C6 or</p> <p>USL Code 2008, Section 5, Sub-Sections C and D</p>
Safety equipment	NSCV Part C7A (other than Annex I)
Communication equipment	NSCV Part C7B
Navigation equipment	NSCV Part C7C
Anchoring system	<p>NSCV Part C7D or the following:</p> <ul style="list-style-type: none"> <li>(a) if the vessel's windage profile has changed — NSCV Part C7D; and</li> <li>(b) in any other case — USL Code 1989, Section 13, Appendix H</li> </ul>

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## Schedule 3 Periodic survey for vessels

(Paragraph 17(1))

- (1) Subject to subsections (4) and (5), a periodic survey must be completed:
  - (a) for aspects of the vessel that are constructed to class rules and surveyed by a recognised organisation — in accordance with the frequency specified in class rules; and
  - (b) in any other case — in accordance with the survey frequency mentioned in table 1 for the survey frequency category that is specified for the vessel in table 2.

*Note for paragraph (a)* The frequency specified in class rules may include the circumstances when extended docking is permitted.

- (2) A periodic survey must be completed within the 3 months before, or the 3 months after, the date that corresponds to the due date of the certificate of survey in the year when survey is required.

*Note* Information when each periodic survey is due to be conducted is mentioned on the certificate of survey for convenience of certificate holders.

- (3) However, if the survey frequency category *medium* has been assigned — the periodic survey in Year 3 may also be completed within the 15 months before, or the 3 months after, the date that corresponds to the due date for the Year 3 periodic survey specified in the certificate of survey.
- (4) For a vessel with hull made from traditional timber construction — the survey frequency for the vessel is:
  - (a) with modifier — set out in table 1 corresponding to the vessel service category assigned under table 2 changing to *high* for the next issue of its certificate of survey after [insert day before commencement]; and
  - (b) without modifier — set out in table 1 corresponding to the vessel service category assigned under table 2 changing to *medium* for the next issue of its certificate of survey after [insert day before commencement] (unless a survey frequency category of *high* applies corresponding to the vessel service category assigned under table 2).

*Note* Paragraph 17(1)(b) provides that after any periodic survey of the vessel, the owner must ensure that the National Regulator is provided a report setting out the condition of the vessel and the extent of its compliance with the standards that apply to the vessel.

- (5) For a novel vessel — the survey frequency for the vessel must be completed in accordance with:
  - (a) the survey frequency category *high* set out in table 1; or
  - (b) the survey frequency determined from time to time by the vessel's recognised organisation.

**Table 1 Periodic survey schedule**

Survey frequency category	Schedule for periodic survey					Year 5
	Year 0	Year 1	Year 2	Year 3	Year 4	
High	Initial survey	Periodic	Periodic	Periodic		Renewal survey
Medium				Periodic		
Low						

*Note 1* The kind of periodic survey (in water, out of water or in and out of water) required is specified in Part 2 of the National Law – Marine Surveyors Accreditation Guidance Manual 2014.

*Note 2* Some vessels may be required to undertake an initial survey instead of, or as well as, a renewal survey, where a Schedule 1 change has occurred — see subsection 16(1).

**Table 2 Survey frequency categories**

Item	Vessel or kind of vessel	Survey frequency category
1	Class 1	High
2	Class 2A with passengers	High
3	Class 2B extended with passengers	High
4	Class 2B with passengers	High
5	Class 2A without passengers	Medium
6	Class 2B extended without passengers	Medium
7	Class 2B without passengers	Medium
8	Class 2C $\geq 12$ m	Medium
9	Class 2C with modifier	Medium
10	Class 2D $\geq 12$ m with passengers	Medium
11	Class 2E $\geq 12$ m with passengers	Medium
12	Class 2D with modifier	Medium
13	Class 2E with modifier	Medium
14	Class 2C $< 12$ m without modifier	Low
15	Class 2D without passengers and without modifier	Low
16	Class 2D $< 12$ m with passengers and without modifier	Low
17	Class 2E without passengers and without modifier	Low

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<b>Item</b>	<b>Vessel or kind of vessel</b>	<b>Survey frequency category</b>
18	Class 2E <12 m with passengers and without modifier	Low
19	Class 2 ferry in chains*	Low
20	Class 2 permanently moored vessel*	Low
21	Class 2 unpowered barge*	Low
22	Class 3A	Medium
23	Class 3B extended	Medium
24	Class 3B	Medium
25	Class 3C $\geq$ 12 m	Medium
26	Class 3C with modifier	Medium
27	Class 3D with modifier	Medium
28	Class 3E with modifier	Medium
29	Class 3C <12 m without modifier	Low
30	Class 3D without modifier	Low
31	Class 3E without modifier	Low
32	Class 3 permanently moored vessel*	Low
33	Class 3 unpowered barge*	Low
34	Class 4C $\geq$ 12 m	Medium
35	Class 4D $\geq$ 12 m	Medium
36	Class 4E $\geq$ 12 m	Medium
37	Class 4C with modifier	Medium
38	Class 4D with modifier	Medium
39	Class 4E with modifier	Medium
40	Class 4C <12 m without modifier	Low
41	Class 4D <12 m without modifier	Low
42	Class 4E <12 m without modifier	Low
43	Vessel with steam propulsion*	High
44	Submersible or wing-in-ground effect craft*	High
45	Novel vessel*	High
46	High speed thrill ride vessel*	High

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*Note 1* The survey frequency category for a kind of vessel indicated with an asterisk (\*) is the survey frequency category mentioned in that item, whether or not the table provides that another survey frequency category applies according to the service category assigned.

*Note 2* A vessel that has a restricted operational area category has the same survey frequency category as a vessel that does not.

*Note 3* For the definition of *modifier* — see section 5.

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**Note**

1. All legislative instruments and compilations of legislative instruments are registered on the Federal Register of Legislation under the *Legislation Act 2003*. See [www.legislation.gov.au](http://www.legislation.gov.au).