

AMSA REGULATORY REVIEW

Draft Marine Order 53 (Vessels in polar waters) 2025 is open for consultation until 15 March 2026

Who does this Order apply to?

Marine Order 53 (Vessels in polar waters) 2016 (MO53) gives effect to the International Code for Ships Operating in Polar Waters (Polar Code), other than Chapter 12 of Part I-A and Part II-A, in accordance with Chapter XIV of SOLAS. Chapter 12 of Part I-A and Part II-A are implemented by Marine Order 70 (Seafarer certification) 2014 and 90 series marine orders that deal with pollution prevention respectively. MO53 applies to regulated Australian vessels (RAVs) and foreign vessels to which chapter XIV of SOLAS applies.

Background

IMO resolution MSC.532(107) amended several chapters of SOLAS including chapter XIV which mandates the Polar Code. Amendments to chapter XIV incorporate fishing vessels of 24 metres in length overall and above, pleasure yachts of 300 gross tonnage and upwards not engaged in trade and cargo ships of 300 gross tonnage and upwards but below 500 gross tonnage operating in polar waters under partial application of the Polar Code related to safety of navigation and voyage planning.

IMO resolution MSC.538(107) amended the Polar Code Part I-A, adding 2 new chapters 9-1 and 11-1 on safety of navigation and voyage planning respectively applicable to the above-mentioned non-SOLAS vessels operating in polar waters, as mandated by amended SOLAS chapter XIV.

New chapters 9-1 and 11-1 of Part I-A of the Polar Code will come into force internationally on 1 January 2026. MO53 requires amendment to capture the new requirements for the relevant non-SOLAS vessels related to safety of navigation and voyage planning.

MO53 was last issued in 2016, and this is a full review of the marine order for any necessary updating and reissue it in contemporary drafting style to improve its usability.

What are the key changes?

Marine Order 53 (Vessels in polar waters) 2016 will be reissued to give effect to part of the IMO resolution MSC.532(107) pertaining to SOLAS chapter XIV and resolution MSC.538(107) introducing new requirements in the Polar Code for the above-mentioned non-SOLAS vessels. The new requirements will be applicable to the specified non-SOLAS vessels when they are operating in polar waters. This is a full review, and all necessary updates will be made as appropriate.

A summary of main changes are:

- a. the following types of vessels will need to be equipped to visually detect ice when operating in darkness:
 - i. fishing vessels of 24 metres in length overall and above;
 - ii. pleasure yachts of 300 gross tonnage and upwards not engaged in trade; and
 - iii. cargo ships of 300 gross tonnage and upwards but below 500 gross tonnage;
- b. pleasure yachts of 500 gross tonnage and upwards not engaged in trade will be required to have ice information and necessary navigational equipment for safe transiting in ice and navigational systems will need to remain functional under expected environmental conditions;
- c. all vessels mentioned above will be required to have voyage plans that consider potential hazards for the intended voyage; and
- d. making the marine order up to date, consistent with contemporary drafting style, and easy to understand.

Commencement

It is intended that the reissued Marine Order 53 (Vessels in polar waters) 2025 will commence on **1 June 2026**.

The table below compares the current Marine Order 53 (2016) and the draft Marine Order 53 (2026).

All Changes are **yellow highlighted** and deleted texts from the current MO53 are shown as **strikethrough**

Existing text of <i>Marine Order 53 (Vessels in polar waters) 2016</i> MO 53 issue F2016L01939	New text as modified by draft <i>Marine Order 53 (Vessels in polar waters) 2026 reissue</i> MO 53 reissue 251024A	Reason
<p>Division 1 Preliminary 3</p> <p>1 Name of Order 4</p> <p>1A Commencement 4</p> <p>2 Purpose 4</p> <p>3 Power 3</p> <p>4 Definitions 4</p> <p>5 Interpretation 4</p> <p>6 Application 5</p> <p>7 Alternative design or arrangement 5</p> <p>8 Approvals 5</p> <p>Division 2 Polar Ship Certificate issued under the Navigation Act 6</p> <p>9 Certificate required 6</p> <p>10 Applying for certificate 6</p> <p>11 Criteria for issue of certificate 6</p> <p>12 Conditions of certificate 7</p> <p>13 Duration of certificate 7</p> <p>14 Endorsement of certificate 7</p> <p>15 Variation of certificate 7</p> <p>16 Revocation of certificate 7</p> <p>Division 3 Requirements for foreign vessels 8</p> <p>17 Certificate required for foreign vessels 8</p> <p>18 Requirements for foreign vessels 8</p> <p>Division 4 Other matters 8</p> <p>19 Polar water operational manual 8</p> <p>20 Voyage planning requirements 8</p>	<p>Division 1 Preliminary 3</p> <p>1 Name of Marine Order 4</p> <p>1A Commencement 4</p> <p>1B Repeal of <i>Marine Order 53 (Vessels in polar water) 2016</i> 3</p> <p>2 Purpose 4</p> <p>3 Power 3</p> <p>4 Definitions 4</p> <p>5 Interpretation 4</p> <p>6 Application 5</p> <p>7 Alternative design or arrangement 5</p> <p>8 Approvals 5</p> <p>Division 2 Polar Ship Certificate issued under the Navigation Act 6</p> <p>9 Certificate required 6</p> <p>10 Applying for certificate 6</p> <p>11 Criteria for issue of certificate 6</p> <p>12 Conditions of certificate 7</p> <p>13 Duration of certificate 7</p> <p>14 Endorsement of certificate 7</p> <p>15 Variation of certificate 7</p> <p>16 Revocation of certificate 7</p> <p>Division 3 Requirements for foreign vessels 8</p> <p>17 Certificate required for foreign vessels 8</p> <p>18 Requirements for foreign vessels 8</p> <p>Division 4 Other matters 8</p> <p>19 Polar water operational manual 8</p> <p>20 Nautical information and navigational equipment functionality 8</p> <p>21 Voyage planning requirements 9</p>	<p>Added the word "Marine" before the word "Order" throughout as appropriate.</p> <p>Updated the table as required.</p>

Existing text of <i>Marine Order 53 (Vessels in polar waters) 2016</i> MO 53 issue F2016L01939	New text as modified by draft <i>Marine Order 53 (Vessels in polar waters) 2026</i> reissue MO 53 reissue 251024A	Reason
Division 1 Preliminary	Division 1 Preliminary	
1 Name of Order This Order is <i>Marine Order 53 (Vessels in polar waters) 2016</i> .	1 Name of Marine Order This <i>Marine Order</i> is <i>Marine Order 53 (Vessels in polar waters) 2026</i> .	Issue date updated
1A Commencement This Order commences on 1 January 2017.	1A Commencement This <i>Marine Order</i> commences on [insert date]. 1B Repeal of <i>Marine Order 53 (Vessels in polar waters) 2016</i> <i>Marine Order 53 (Vessels in polar waters) 2016</i> is repealed.	Commencement date is planned for 1 June 2026 New section added as required.
2 Purpose This Order gives effect to the Polar Code, other than Chapter 12 of Part I-A and Part II-A, in accordance with Chapter XIV of SOLAS, including: <ul style="list-style-type: none"> (a) the certification of vessels to demonstrate survey under the Polar Code; and (b) arrangements for the safe operation of vessels in polar waters. <p><i>Note 1</i> The Polar Code sets out requirements for the design, construction, equipment, operation, training, search and rescue and environmental protection matters for vessels operating in polar waters.</p> <p><i>Note 2</i> The pollution prevention requirements of Part II-A of the Polar Code are implemented under the following Orders:</p> <ul style="list-style-type: none"> • <i>Marine Order 91 (Marine pollution prevention — oil) 2014</i> • <i>Marine Order 93 (Marine pollution prevention — noxious liquid substances) 2014</i> • <i>Marine Order 95 (Marine pollution prevention — garbage) 2018</i> • <i>Marine Order 96 (Marine Pollution prevention — sewage) 2018</i>. 	2 Purpose This <i>Marine Order</i> gives effect to the Polar Code, other than Chapter 12 of Part I-A and Part II-A, in accordance with Chapter XIV of SOLAS, including: <ul style="list-style-type: none"> (a) the certification of vessels to demonstrate survey under the Polar Code; and (b) arrangements for the safe operation of vessels in polar waters. <p><i>Note 1</i> The Polar Code sets out requirements for the design, construction, equipment, operation, training, search and rescue and environmental protection matters for vessels operating in polar waters.</p> <p><i>Note 2</i> The pollution prevention requirements of Part II-A of the Polar Code are implemented under the following <i>Marine Orders</i>:</p> <ul style="list-style-type: none"> • <i>Marine Order 91 (Marine pollution prevention — oil) 2025</i> • <i>Marine Order 93 (Marine pollution prevention — noxious liquid substances) 2014</i> • <i>Marine Order 95 (Marine pollution prevention — garbage) 2018</i> • <i>Marine Order 96 (Marine Pollution prevention — sewage) 2018</i>. 	Issue dates updated as required.

Existing text of <i>Marine Order 53 (Vessels in polar waters) 2016</i> MO 53 issue F2016L01939	New text as modified by draft <i>Marine Order 53 (Vessels in polar waters) 2026 reissue</i> MO 53 reissue 251024A	Reason
<p>3 Power</p> <p>(1) The following provisions of the Navigation Act provide for this Order to be made:</p> <ul style="list-style-type: none"> (a) section 98 which provides that the regulations may provide for safety certificates; (b) section 314 which provides that the regulations may provide for matters relating to certificates; (c) subsection 339(2) which provides that the regulations may provide for the matters mentioned in that provision including the design and construction of vessels; (d) paragraph 340(1)(a) which provides that the regulations may provide for giving effect to SOLAS; (e) subsection 341(1) which provides that the regulations may provide for the imposition of penalties for a contravention of a provision of the regulations. <p>(2) Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed, or that are necessary or convenient to be prescribed, for carrying out or giving effect to the Act.</p> <p>(3) Subsection 342(1) of the Navigation Act provides that AMSA may make a Marine Order about matters that can be provided for by regulation.</p>	<p>3 Power</p> <p>(1) The following provisions of the Navigation Act provide for this Marine Order to be made:</p> <ul style="list-style-type: none"> (a) section 98 which provides that the regulations may provide for safety certificates; (b) section 314 which provides that the regulations may provide for matters relating to certificates; (c) subsection 339(2) which provides that the regulations may provide for the matters mentioned in that provision including the design and construction of vessels; (d) paragraph 340(1)(a) which provides that the regulations may provide for giving effect to SOLAS; (e) subsection 341(1) which provides that the regulations may provide for the imposition of penalties for a contravention of a provision of the regulations. <p>(2) Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed, or that are necessary or convenient to be prescribed, for carrying out or giving effect to the Act.</p> <p>(3) Subsection 342(1) of the Navigation Act provides that AMSA may make a Marine Order about matters that can be provided for by regulation.</p> <p>(4) Subsection 342(4) of the Navigation Act allows a Marine Order to provide for a matter by applying, adopting or incorporating any matter contained in any instrument or document in force or existing from time to time.</p>	<p>New power added as appropriate to ensure there is power to say, "as in force from time to time"</p>

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<p>4 Definitions</p> <p>In this Order:</p> <p>Cargo Ship Safety Construction Certificate means a Cargo Ship Safety Construction Certificate that is issued in accordance with Regulations 12 or 13 of Chapter I of SOLAS.</p> <p>Passenger Ship Safety Certificate means a Passenger Ship Safety Certificate that is issued in accordance with Regulations 12 or 13 of Chapter I of SOLAS.</p> <p>Polar Code means the <i>International Code for Ships Operating in Polar Waters</i> adopted by IMO Resolution MSC. 385(94) and MEPC. 264(68), as in force from time to time.</p> <p>Polar Ship Certificate means a certificate that is:</p> <ul style="list-style-type: none"> (a) a safety certificate mentioned in section 9 relating to vessel structure, equipment, fittings, machinery and electrical installations, fire safety, life-saving, and navigation and communication equipment and arrangements; and (b) in the form of the certificate set out in Appendix 1 of the Polar Code with a record of equipment attached. <p>Note 1 Some terms used in this Order are defined in <i>Marine Order 1 (Administration) 2013</i>, including:</p> <ul style="list-style-type: none"> • IMO • SOLAS. <p>Note 2 Other terms used in this Order are defined in the Navigation Act, including:</p> <ul style="list-style-type: none"> • foreign vessel • issuing body • master 	<p>4 Definitions</p> <p>In this Marine Order:</p> <p>Cargo Ship Safety Construction Certificate means a Cargo Ship Safety Construction Certificate that is issued in accordance with Regulations 12 or 13 of Chapter I of SOLAS.</p> <p>Passenger Ship Safety Certificate means a Passenger Ship Safety Certificate that is issued in accordance with Regulations 12 or 13 of Chapter I of SOLAS.</p> <p>Polar Code means the <i>International Code for Ships Operating in Polar Waters</i> adopted by IMO Resolution MSC. 385(94) and MEPC. 264(68), as in force from time to time.</p> <p>Polar Ship Certificate means a certificate that is:</p> <ul style="list-style-type: none"> (a) a safety certificate mentioned in section 9 relating to vessel structure, equipment, fittings, machinery and electrical installations, fire safety, life-saving, and navigation and communication equipment and arrangements; and (b) in the form of the certificate set out in Appendix 1 of the Polar Code with a record of equipment attached. <p>Note 1 Some terms used in this Marine Order are defined in <i>Marine Order 1 (Administration) 2013</i>, including:</p> <ul style="list-style-type: none"> • IMO • SOLAS. <p>Note 2 Other terms used in this Marine Order are defined in the Navigation Act, including:</p> <ul style="list-style-type: none"> • Australian nationality • foreign vessel • issuing body 	<p>Definitions updated as necessary, added two new terms under Note 2</p>

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<ul style="list-style-type: none"> • owner • regulated Australian vessel • safety certificate. <p><i>Note 3</i> Information about obtaining copies of any IMO Resolution that adopts or amends a code mentioned in this Order is available on the AMSA website Marine Orders link at http://www.amsa.gov.au. The text of the original SOLAS convention and any amendments in force are in the Australian Treaty Series, accessible through the Australian Treaties Library on the AustLII website at http://www.austlii.edu.au.</p> <p><i>Note 4</i> For delegation of AMSA's powers under this Order — see the AMSA website at http://www.amsa.gov.au.</p>	<ul style="list-style-type: none"> • master • owner • recreational vessel • regulated Australian vessel • safety certificate. <p><i>Note 3</i> Information about obtaining copies of any IMO Resolution that adopts or amends a code mentioned in this Marine Order is available on the AMSA website Marine Orders link at http://www.amsa.gov.au. The text of the original SOLAS convention and any amendments in force are in the Australian Treaty Series, accessible through the Australian Treaties Library on the AustLII website at http://www.austlii.edu.au.</p> <p><i>Note 4</i> For delegation of AMSA's powers under this Marine Order — see the AMSA website at http://www.amsa.gov.au.</p>	
<p>5 Interpretation</p> <p>(1) For this Order, the Administration is:</p> <ol style="list-style-type: none"> (a) for a regulated Australian vessel — AMSA; or (b) for a foreign vessel — the government of the country whose flag the vessel is entitled to fly. <p>(2) For this Order, a vessel is taken to have been constructed when:</p> <ol style="list-style-type: none"> (a) the keel is laid; or (b) construction identifiable with the vessel starts and the lesser of at least 50 tonnes, or 1% of the estimated mass of all structural material, of the vessel is assembled. <p>(3) A term that is used in this Order but is not defined for this Order, and is defined in SOLAS or the Polar Code, has the same meaning as in SOLAS or the Polar Code.</p>	<p>5 Interpretation</p> <p>(1) For this Marine Order, the Administration is:</p> <ol style="list-style-type: none"> (a) for a regulated Australian vessel — AMSA; or (b) for a foreign vessel — the government of the country whose flag the vessel is entitled to fly. <p>(2) For this Marine Order, a vessel is taken to have been constructed when:</p> <ol style="list-style-type: none"> (a) the keel is laid; or (b) construction identifiable with the vessel starts and the lesser of at least 50 tonnes, or 1% of the estimated mass of all structural material, of the vessel is assembled. <p>(3) A term that is used in this Marine Order but is not defined for this Order, and is defined in SOLAS or the Polar Code, has the same meaning as in SOLAS or the Polar Code.</p>	

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<p>Note The term polar waters is defined in Chapter XIV of SOLAS.</p>	<p>Note 1 The term polar waters is defined in Chapter XIV of SOLAS.</p> <p>Note 2 <i>The term international voyage is defined in Chapter I of SOLAS.</i></p>	New Note 2 added as appropriate and Note numbers updated.
<p>6 Application</p> <p>(1) This Order applies to:</p> <p>(a) a regulated Australian vessel to which Chapter XIV of SOLAS applies; and</p> <p>(b) other than Divisions 2 and 4 — a foreign vessel to which Chapter XIV of SOLAS applies that:</p> <p>(i) commences a voyage from a port in Australia or ends a voyage in a port in Australia; and</p> <p>(ii) as part of that voyage is present in polar waters.</p> <p>Note Regulation 2 of Chapter XIV of SOLAS specifies the ships operating in polar waters to which Chapter XIV applies.</p> <p>(2) However, a vessel constructed before 1 January 2017 need not comply with this Order until the following survey is completed after 1 January 2018:</p> <p>(a) for a vessel with a Cargo Ship Safety Construction Certificate — its intermediate or renewal survey, whichever occurs first; and</p> <p>(b) for a vessel with Passenger Ship Safety Certificate — its renewal survey.</p> <p>(3) This Order also applies to a vessel that is owned or operated by the Commonwealth and used, for the time being, on government non-commercial service in polar waters.</p>	<p>6 Application</p> <p>(1) This Marine Order applies to the following vessels to which Chapter XIV of SOLAS applies:</p> <p>(a) a regulated Australian vessel; and</p> <p>(b) a recreational vessel that has Australian nationality; and</p> <p>(c) other than Divisions 2 and 4 — a foreign vessel that:</p> <p>(i) commences a voyage from a port in Australia or ends a voyage in a port in Australia; and</p> <p>(ii) as part of that voyage is present in polar waters.</p> <p>Note Regulation 2 of Chapter XIV of SOLAS specifies the ships operating in polar waters to which Chapter XIV applies.</p> <p>(2) This Marine Order also applies to a vessel that is owned or operated by the Commonwealth and used, for the time being, on government non-commercial service in polar waters.</p>	Re-drafted for simplicity in current drafting style. Recreational vessels with Australian nationality even if they are not regulated Australian vessels are captured under Application to comply with the SOLAS amendments. Section 2 of the current MO53 deleted as no more relevant and not required anymore.

Existing text of Marine Order 53 (Vessels in polar waters) 2016 MO 53 issue F2016L01939	New text as modified by draft Marine Order 53 (Vessels in polar waters) 2026 reissue MO 53 reissue 251024A	Reason
<p>7 Alternative design or arrangement</p> <p>(1) For Regulation 4 of Chapter XIV of SOLAS, the owner of a regulated Australian vessel may apply to AMSA for approval of a design or arrangement as an alternative to complying with a requirement mentioned in Chapters 3, 6, 7 or 8 of the Polar Code concerning structure, machinery, electrical installations, fire safety, and life-saving appliances and arrangements.</p> <p>(2) AMSA may approve the alternative design or arrangement in accordance with Regulation 4 of Chapter XIV of SOLAS.</p> <p><i>Note</i> Regulation 4 of Chapter XIV of SOLAS provides that:</p> <ul style="list-style-type: none"> • an adequate engineering analysis must be undertaken; and • the goal and functional requirements of the Polar Code that apply to the requirement for which the design or arrangement is an alternative must be met; and • use or implementation of the design or arrangement must be at least as effective as compliance with the requirement for which the design or arrangement is an alternative. <p>(3) For subsection (1), the application for approval must be made in accordance with <i>Marine Order 1 (Administration) 2013</i>.</p>	<p>7 Alternative design or arrangement</p> <p>(1) For Regulation 4 of Chapter XIV of SOLAS, the owner of a regulated Australian vessel to which Chapter I of SOLAS applies may apply to AMSA for approval of a design or arrangement as an alternative to complying with a requirement mentioned in Chapters 3, 6, 7 or 8 of the Polar Code concerning structure, machinery, electrical installations, fire safety, and life-saving appliances and arrangements.</p> <p>(2) AMSA may approve the alternative design or arrangement in accordance with Regulation 4 of Chapter XIV of SOLAS.</p> <p><i>Note</i> Regulation 4 of Chapter XIV of SOLAS provides that:</p> <ul style="list-style-type: none"> • an adequate engineering analysis must be undertaken; and • the goal and functional requirements of the Polar Code that apply to the requirement for which the design or arrangement is an alternative must be met; and • use or implementation of the design or arrangement must be at least as effective as compliance with the requirement for which the design or arrangement is an alternative. <p>(3) For subsection (1), the application for approval must be made in accordance with <i>Marine Order 1 (Administration) 2013</i>.</p>	Re-drafted to carve out non-SOLAS vessels which are excluded from alternative design or arrangements.

Existing text of <i>Marine Order 53 (Vessels in polar waters) 2016</i> MO 53 issue F2016L01939	New text as modified by draft <i>Marine Order 53 (Vessels in polar waters) 2026 reissue</i> MO 53 reissue 251024A	Reason
<p>8 Approvals</p> <p>An issuing body may, in writing, approve for a vessel its material, equipment, appendages or arrangement in accordance with Chapters 3, 6 and 7 of the Polar Code if:</p> <p>(a) for material, equipment or appendages — it is satisfied that its use is safe; and</p> <p>(b) for an arrangement — it is satisfied that the arrangement is safe.</p> <p><i>Note</i> AMSA has an agreement with each of the recognised organisations mentioned in Schedule 1 of <i>Marine Order 1 (Administration) 2013</i> for the provision of survey and certification services for vessels registered in Australia. These bodies are authorised to make approvals on behalf of AMSA in accordance with that agreement.</p>	<p>8 Approvals</p> <p>An issuing body may, in writing, approve for a vessel its material, equipment, appendages or arrangement in accordance with Chapters 3, 6 and 7 of the Polar Code if:</p> <p>(a) for material, equipment or appendages — it is satisfied that its use is safe; and</p> <p>(b) for an arrangement — it is satisfied that the arrangement is safe.</p> <p><i>Note</i> AMSA has an agreement with each of the recognised organisations mentioned in Schedule 1 of <i>Marine Order 1 (Administration) 2013</i> for the provision of survey and certification services for vessels registered in Australia. These bodies are authorised to make approvals on behalf of AMSA in accordance with that agreement.</p>	
<p>Division 1 Polar Ship Certificate issued under the Navigation Act</p>	<p>Division 2 Polar Ship Certificate issued under the Navigation Act</p>	
<p>9 Certificate required</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 that operates in polar waters must have a Polar Ship Certificate.</p>	<p>9 Certificate required</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 Polar Ship Certificate if:</p> <p>(a) the vessel operates in polar waters; and</p> <p>(b) the vessel is a vessel to which Chapter I of SOLAS applies.</p>	<p>Re-structured to clarify that Polar Ship Certificate is required by only those vessels to which SOLAS Chapter I applies and non-SOLAS vessels are carved out from certificate requirement.</p>

Existing text of <i>Marine Order 53 (Vessels in polar waters) 2016</i> MO 53 issue F2016L01939	New text as modified by draft <i>Marine Order 53 (Vessels in polar waters) 2026 reissue</i> MO 53 reissue 251024A	Reason
<p>10 Applying for certificate</p> <p>(1) For subsection 99(1) of the Navigation Act (which enables a person to apply to an issuing body for a safety certificate specified in the regulations), a Polar Ship Certificate is specified.</p> <p>(2) For subsection 99(2) of the Navigation Act, Division 3 of <i>Marine Order 1 (Administration) 2013</i>, other than section 17, applies to an application to AMSA for a certificate mentioned in subsection (1).</p> <p><i>Note 1</i> An issuing body may issue a safety certificate under section 100 of the Navigation Act.</p> <p><i>Note 2</i> Division 3 of <i>Marine Order 1 (Administration) 2013</i> prescribes some general rules about the making and determination of various kinds of applications. Section 17 of that Order provides for internal review of decisions about applications. That section does not apply to decisions about safety certificates because those decisions are reviewable by the Administrative Appeals Tribunal — see subsection 313(1) of the Navigation Act.</p>	<p>10 Applying for certificate</p> <p>(1) For subsection 99(1) of the Navigation Act (which enables a person to apply to an issuing body for a safety certificate specified in the regulations), a Polar Ship Certificate is specified.</p> <p>(2) For subsection 99(2) of the Navigation Act, Division 3 of <i>Marine Order 1 (Administration) 2013</i>, other than section 17, applies to an application to AMSA for a certificate mentioned in subsection (1).</p> <p><i>Note 1</i> An issuing body may issue a safety certificate under section 100 of the Navigation Act.</p> <p><i>Note 2</i> Division 3 of <i>Marine Order 1 (Administration) 2013</i> prescribes some general rules about the making and determination of various kinds of applications. Section 17 of that Marine Order provides for internal review of decisions about applications. That section does not apply to decisions about safety certificates because those decisions are reviewable by the Administrative Appeals Tribunal — see subsection 313(1) of the Navigation Act.</p>	
<p>11 Criteria for issue of certificate</p> <p>For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of a Polar Ship Certificate are that:</p> <p>(a) a polar service temperature for the vessel has been determined by the owner in accordance with paragraph 1.4.2 of the Polar Code; and</p> <p>(b) an assessment of operational limitations of the vessel and its equipment has been undertaken by the owner in accordance with paragraph 1.5 of the Polar Code; and</p>	<p>11 Criteria for issue of certificate</p> <p>For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of a Polar Ship Certificate are that:</p> <p>(a) a polar service temperature for the vessel has been determined by the owner in accordance with paragraph 1.4.2 of the Polar Code; and</p> <p>(b) an assessment of operational limitations of the vessel and its equipment has been undertaken by the owner in accordance with paragraph 1.5 of the Polar Code; and</p>	

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<p>(c) the vessel has been surveyed in accordance with paragraph 1.3 of the Polar Code; and</p> <p>(d) the vessel complies with the requirements mentioned in the Polar Code for structure, equipment, fittings, machinery and electrical installations, fire safety, life-saving, and navigation and communication equipment and arrangements.</p> <p><i>Note for paragraph (c)</i> For a Category C cargo ship, paragraph 1.3.3 of the Polar Code provides that:</p> <ul style="list-style-type: none"> no survey is required if the vessel has documented verification demonstrating that no additional equipment or structural modification is required to comply with the Polar Code; and survey of the vessel will be required at the next scheduled survey. 	<p>(c) the vessel has been surveyed in accordance with paragraph 1.3 of the Polar Code; and</p> <p>(d) the vessel complies with the requirements mentioned in the Polar Code for structure, equipment, fittings, machinery and electrical installations, fire safety, life-saving, and navigation and communication equipment and arrangements.</p> <p><i>Note for paragraph (c)</i> For a Category C cargo ship, paragraph 1.3.3 of the Polar Code provides that:</p> <ul style="list-style-type: none"> no survey is required if the vessel has documented verification demonstrating that no additional equipment or structural modification is required to comply with the Polar Code; and survey of the vessel will be required at the next scheduled survey. 	
<p>12 Conditions of certificate</p> <p>For paragraph 100(2)(a) of the Navigation Act, a Polar Ship Certificate is subject to the following conditions:</p> <p>(a) annual and intermediate surveys must be completed in accordance with paragraph 1.3 of the Polar Code and endorsed on the certificate;</p> <p>(b) the vessel must comply with the requirements of the Polar Code;</p> <p>(c) after survey has been completed, any change to the structure, equipment, systems, fittings, arrangement or material covered by survey, other than the direct replacement of equipment or fittings, must be approved by AMSA.</p> <p><i>Note</i> An issuing body may impose other conditions on a safety certificate — see paragraph 100(2)(b) of the Navigation Act.</p>	<p>12 Conditions of certificate</p> <p>For paragraph 100(2)(a) of the Navigation Act, a Polar Ship Certificate is subject to the following conditions:</p> <p>(a) annual and intermediate surveys must be completed in accordance with paragraph 1.3 of the Polar Code and endorsed on the certificate;</p> <p>(b) the vessel must comply with the requirements of the Polar Code;</p> <p>(c) after survey has been completed, any change to the structure, equipment, systems, fittings, arrangement or material covered by survey, other than the direct replacement of equipment or fittings, must be approved by AMSA.</p> <p><i>Note</i> An issuing body may impose other conditions on a safety certificate — see paragraph 100(2)(b) of the Navigation Act.</p>	

Existing text of <i>Marine Order 53 (Vessels in polar waters) 2016</i> MO 53 issue F2016L01939	New text as modified by draft <i>Marine Order 53 (Vessels in polar waters) 2026 reissue</i> MO 53 reissue 251024A	Reason
<p>13 Duration of certificate</p> <p>(1) A Polar Ship Certificate comes into force on the day on which it is issued.</p> <p><i>Note</i> For a cargo vessel constructed before 1 January 2017 that undertakes voyages in polar waters, the commencement of the Polar Ship Certificate must coincide with the renewal of its Cargo Ship Safety Construction Certificate, or completion of the intermediate survey, whichever occurs first. For a passenger vessel constructed before 1 January 2017 that undertakes voyages in polar waters, the commencement of the Polar Ship Certificate must coincide with the commencement of the Passenger Ship Safety Certificate. See section 6 for the application of this Order.</p> <p>(2) A Polar Ship Certificate remains in force until the date specified in the certificate for expiry unless earlier revoked.</p> <p><i>Note 1</i> Paragraph 1.3.6 of the Polar Code provides that validity and survey dates for the Polar Ship Certificate must be harmonised with the SOLAS certificates in accordance with regulation 14 of Chapter 1 of SOLAS.</p> <p><i>Note 2</i> Section 15 sets out the circumstances in which the duration of a Polar Ship Certificate may be varied.</p>	<p>13 Duration of certificate</p> <p>(1) A Polar Ship Certificate comes into force on the day on which it is issued.</p> <p><i>Note</i> For a cargo vessel constructed before 1 January 2017 that undertakes voyages in polar waters, the commencement of the Polar Ship Certificate must coincide with the renewal of its Cargo Ship Safety Construction Certificate, or completion of the intermediate survey, whichever occurs first. For a passenger vessel constructed before 1 January 2017 that undertakes voyages in polar waters, the commencement of the Polar Ship Certificate must coincide with the commencement of the Passenger Ship Safety Certificate. See section 6 for the application of this Marine Order.</p> <p>(2) A Polar Ship Certificate remains in force until the date specified in the certificate for expiry unless earlier revoked.</p> <p><i>Note 1</i> Paragraph 1.3.6 of the Polar Code provides that validity and survey dates for the Polar Ship Certificate must be harmonised with the SOLAS certificates in accordance with regulation 14 of Chapter 1 of SOLAS.</p> <p><i>Note 2</i> Section 15 sets out the circumstances in which the duration of a Polar Ship Certificate may be varied.</p>	
<p>14 Endorsement of certificate</p> <p>For paragraph 12(a), an endorsement on a Polar Ship Certificate must be made by an issuing body.</p>	<p>14 Endorsement of certificate</p> <p>For paragraph 12(a), an endorsement on a Polar Ship Certificate must be made by an issuing body.</p>	
<p>15 Variation of certificate</p> <p>For section 101 of the Navigation Act, the criteria for variation of a Polar Ship Certificate are that:</p> <p>(a) the vessel has been surveyed in accordance with the Polar Code; and</p>	<p>15 Variation of certificate</p> <p>For section 101 of the Navigation Act, the criteria for variation of a Polar Ship Certificate are that:</p> <p>(a) the vessel has been surveyed in accordance with the Polar Code; and</p>	

Existing text of <i>Marine Order 53 (Vessels in polar waters) 2016</i> MO 53 issue F2016L01939	New text as modified by draft <i>Marine Order 53 (Vessels in polar waters) 2026 reissue</i> MO 53 reissue 251024A	Reason
<p>(b) if the variation relates to matters mentioned in paragraphs (c), (d), (e), (f) and (h) of Regulation 14 of Chapter I of SOLAS — the variation is in accordance with those provisions.</p> <p><i>Note 1</i> A variation may be in the form of an endorsement on an existing certificate allowing the certificate to be in force for a period beyond the date specified in the certificate for expiry.</p> <p><i>Note 2</i> Paragraph 1.3.6 of the Polar Code provides that validity, survey dates and endorsements must be harmonised with the relevant SOLAS certificates in accordance with Regulation 14 of Chapter I of SOLAS.</p>	<p>(b) if the variation relates to matters mentioned in paragraphs (c), (d), (e), (f) and (h) of Regulation 14 of Chapter I of SOLAS — the variation is in accordance with those provisions.</p> <p><i>Note 1</i> A variation may be in the form of an endorsement on an existing certificate allowing the certificate to be in force for a period beyond the date specified in the certificate for expiry.</p> <p><i>Note 2</i> Paragraph 1.3.6 of the Polar Code provides that validity, survey dates and endorsements must be harmonised with the relevant SOLAS certificates in accordance with Regulation 14 of Chapter I of SOLAS.</p>	
<p>16 Revocation of certificate</p> <p>For section 102 of the Navigation Act, the criteria for revocation of Polar Ship Certificate are that:</p> <ul style="list-style-type: none"> (a) the certificate contains incorrect information; or (b) the owner of the vessel asks in writing that the vessel's certificate be revoked; or (c) a condition of the certificate has been, or is likely to be, breached; or (d) the vessel to which the certificate applies ceases to be registered in Australia. 	<p>16 Revocation of certificate</p> <p>For section 102 of the Navigation Act, the criteria for revocation of Polar Ship Certificate are that:</p> <ul style="list-style-type: none"> (a) the certificate contains incorrect information; or (b) the owner of the vessel asks in writing that the vessel's certificate be revoked; or (c) a condition of the certificate has been, or is likely to be, breached; or (d) the vessel to which the certificate applies ceases to be registered in Australia. 	
<p>Division 3 Requirements for foreign vessels</p>	<p>Division 4 Requirements for foreign vessels</p>	
<p>17 Certificate required for foreign vessels</p> <p>A vessel that is a foreign vessel must have a certificate that is issued in accordance with the Polar Code.</p> <p><i>Note</i> It is an offence under sections 106 and 107 of the Navigation Act if a vessel is taken to sea without a certificate of a specified kind in force for the vessel.</p>	<p>17 Certificate required for foreign vessels</p> <p>A foreign vessel must have a certificate that is issued in accordance with the Polar Code.</p> <p><i>Note</i> It is an offence under sections 106 and 107 of the Navigation Act if a vessel is taken to sea without a certificate of a specified kind in force for the vessel.</p>	

Existing text of <i>Marine Order 53 (Vessels in polar waters) 2016</i> MO 53 issue F2016L01939	New text as modified by draft <i>Marine Order 53 (Vessels in polar waters) 2026 reissue</i> MO 53 reissue 251024A	Reason
18 Requirements for foreign vessels A foreign vessel must comply with the requirements of Chapter XIV of SOLAS and the Polar Code that apply to the vessel.	18 Requirements for foreign vessels A foreign vessel must comply with the requirements of Chapter XIV of SOLAS and the Polar Code that apply to the vessel.	
Division 4 Other matters	Division 4 Other matters	
19 Polar water operational manual (1) The master or owner of a regulated Australian vessel must not take a vessel to sea if a polar water operational manual, that meets the requirements mentioned in Chapter 2 of the Polar Code, is not on board. Penalty: 50 penalty units. (2) An offence against subsection (1) is a strict liability offence. (3) The master or owner is liable to a civil penalty if subsection (1) is contravened. Civil penalty: 50 penalty units.	19 Polar water operational manual (1) The master or owner of a regulated Australian vessel must not take a vessel to sea if a polar water operational manual, that meets the requirements mentioned in Chapter 2 of the Polar Code, is not on board. Penalty: 50 penalty units. (2) An offence against subsection (1) is a strict liability offence. (3) The master or owner is liable to a civil penalty if subsection (1) is contravened. Civil penalty: 50 penalty units.	
	20 Nautical information and navigational equipment functionality (1) The master or owner of any the following vessels must have nautical information and navigational systems and equipment in accordance with Chapter 9-1 of Part 1-A of the Polar Code for a voyage in polar waters: (a) fishing vessel ≥ 24 m in length overall that is a regulated Australian vessel; (b) cargo vessel ≥ 300 GT and < 500 GT that is a regulated Australian vessel;	New section added to apply new Chapter 9-1 of Part 1-A of the Polar Code to non-SOLAS vessels in accordance with resolution MSC.532(107).

Existing text of Marine Order 53 (Vessels in polar waters) 2016 MO 53 issue F2016L01939	New text as modified by draft Marine Order 53 (Vessels in polar waters) 2026 reissue MO 53 reissue 251024A	Reason
	<p>(c) yacht ≥ 300 GT that is a recreational vessel with Australian nationality. Penalty: 50 penalty units.</p> <p>(2) However, compliance with paragraphs 3.1 and 3.2 of Chapter 9-1 of the Polar Code is not required for any of the following vessels:</p> <ul style="list-style-type: none"> (a) fishing vessel ≥ 24 m in length overall; (b) cargo vessel ≥ 300 GT and < 500 GT if the vessel is not engaged on an international voyage; (c) yacht ≥ 300 GT and < 500 GT if the vessel is not engaged on an international voyage <p>(3) A vessel that is constructed before 1 January 2026 need not comply with subsection (1) before 1 January 2027.</p> <p>(4) The master or owner of the vessel must, on request by an inspector, produce documentary evidence demonstrating compliance with subsection (1) and (2). Penalty: 50 penalty units.</p> <p><i>Note</i> AMSA may publish, or advise on, the kind of documentary evidence that is suitable to be produced in the circumstances including a statutory declaration relating to relevant matters</p> <p>(5) An offence against subsection (1) and (4) is a strict liability offence.</p> <p>(6) The master or owner is liable to a civil penalty if subsection (1) or (4) is contravened. Civil penalty: 50 penalty units.</p> <p><i>Note</i> For other safety measures recommended for fishing vessels and recreational vessels (pleasure yachts) operating in polar waters – see the following IMO circulars: MSC.1/Circ. 1641 <i>Guidelines for safety measures for fishing vessels of 24 m in length and over operating in polar waters</i>; and MSC.1/Circ.1642 <i>Guidelines for safety measures for pleasure yachts of 300 gross tonnage and above not engaged in trade operating in polar waters</i>.</p>	<p>Regulations 9-1.3.1 and 9-1.3.2 have been disapplied to non-SOLAS vessels other than pleasure yachts ≥ 500 GT</p> <p>This discretion of the Administration is provided in SOLAS regulation XIV/3-1.2</p> <p>This grandfathering is provided in SOLAS regulation XIV/2.3.</p> <p>Necessary penalty provisions added.</p> <p>AMSA may require a statutory declaration or any other form of documentation as evidence of compliance. This will be notified to the industry.</p> <p>Subsections re-numbered as appropriate</p> <p>Note added directing to relevant IMO guidelines for fishing vessels and pleasure yachts.</p>

Existing text of <i>Marine Order 53 (Vessels in polar waters) 2016</i> MO 53 issue F2016L01939	New text as modified by draft <i>Marine Order 53 (Vessels in polar waters) 2026 reissue</i> MO 53 reissue 251024A	Reason
<p>20 Voyage planning requirements</p> <p>(1) The master of a regulated Australian vessel must have in place a voyage plan for any voyage in polar waters in accordance with Chapter 11 of the Polar Code.</p> <p>(2) An offence against subsection (1) is a strict liability offence.</p> <p>(3) The master is liable to a civil penalty if subsection (1) is contravened.</p> <p>Civil penalty: 50 penalty units.</p>	<p>21 Voyage planning requirements</p> <p>(1) The master of a regulated Australian vessel to which Chapter I of SOLAS applies must have in place a voyage plan for any voyage in polar waters in accordance with Chapter 11 of the Polar Code.</p> <p>(2) The master of any of the following vessels must have in place a voyage plan for any voyage in polar waters in accordance with Chapter 11-1 of the Polar Code :</p> <ul style="list-style-type: none"> (a) fishing vessel ≥ 24 m in length overall; (b) cargo vessel ≥ 300 GT and < 500 GT; (c) yacht ≥ 300 GT that is a recreational vessel with Australian nationality. <p style="padding-left: 40px;">Penalty: 50 penalty units</p> <p>(3) A vessel mentioned in subsection (2) that is constructed before 1 January 2026 need not comply with that subsection before 1 January 2027.</p> <p>(4) An offence against subsection (1) or (2) is a strict liability offence.</p> <p>(5) The master is liable to a civil penalty if subsection (1) or (2) is contravened.</p> <p>Civil penalty: 50 penalty units.</p> <p><i>Note</i> For other safety measures recommended for fishing vessels and recreational vessels (pleasure yachts) operating in polar waters – see the following IMO circulars: MSC.1/Circ. 1641 <i>Guidelines for safety measures for fishing vessels of 24 m in length and over operating in polar waters</i>; and MSC.1/Circ.1642 <i>Guidelines for safety measures for pleasure yachts of 300 gross tonnage and above not engaged in trade operating in polar waters</i>.</p>	<p>Re-drafted to carve out non-SOLAS vessels from the application of chapter 11 of Part 1-A of the Polar Code.</p> <p>New subsections (2) added to apply requirements of chapter 11-1 of Part 1-A of the Polar Code.</p> <p>This grandfathering is provided in SOLAS regulation XIV/2.3</p> <p>Subsections re-numbered as appropriate.</p> <p>Non-SOLAS vessels captured for penalty to ensure enforcement.</p> <p>Note added directing to relevant IMO guidelines for fishing vessels and pleasure yachts</p>

Existing text of Marine Order 53 (Vessels in polar waters) 2016 MO 53 issue F2016L01939	New text as modified by draft Marine Order 53 (Vessels in polar waters) 2026 reissue MO 53 reissue 251024A	Reason
Note <ol style="list-style-type: none"> All legislative instruments and compilations of legislative instruments are registered on the Federal Register of Legislation under the <i>Legislation Act 2003</i>. See www.legislation.gov.au. 	Note <ol style="list-style-type: none"> All legislative instruments and compilations of legislative instruments are registered on the Federal Register of Legislation under the <i>Legislation Act 2003</i>. See www.legislation.gov.au. 	

Consequential amendment

As a consequence of changes made to MO53 mandating requirements for some specified non-SOLAS vessels, *Marine Order 31(SOLAS and non-SOLAS certification) 2019* (MO31) will need updates to relevant certificate provisions in relation to compliance of those vessels with the new requirements. The change will be in the form of a separate consequential amendment instrument.

Existing text of Marine Order 31 (SOLAS and non-SOLAS certification) 2019	New text as modified by Marine Order 31 Amendment (Marine Order 53 — consequential change) Order 2026	Reason
16 Non-SOLAS certificates required <p>Note For government vessels, reference should be made to the AMSA website at http://www.amsa.gov.au to ascertain if any exemption has been granted from the requirements of this Marine Order.</p>	16 Non-SOLAS certificates required <p>Note 1 For government vessels, reference should be made to the AMSA website at http://www.amsa.gov.au to ascertain if any exemption has been granted from the requirements of this Marine Order.</p> <p>Note 2 If a vessel operates in polar waters, it must comply with Marine Order 53 (Vessels in polar waters) 2026 — see clauses 2.2 and 2.3 of Schedule 2.</p>	New Note added requiring non-SOLAS vessels to comply with MO53 for certification purpose if operating in polar waters. Numbers added to Notes as required.
Schedule 2 Non-SOLAS certificates — criteria for issue and conditions <p>2.2 Certificate of Survey for a Cargo Vessel >10 m in length (other than a Fishing Vessel) (b) complies with the following Marine Orders:</p>	Schedule 2 Non-SOLAS certificates — criteria for issue and conditions <p>2.2 Certificate of Survey for a Cargo Vessel >10 m in length (other than a Fishing Vessel) (b) complies with the following Marine Orders:</p>	

<ul style="list-style-type: none"> (i) Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2023; (ii) Marine Order 15 (Construction — fire protection, fire detection and fire extinction) 2014; (iii) Marine Order 21 (Safety and emergency arrangements) 2016; (iv) Marine Order 25 (Equipment — lifesaving) 2014; (v) Marine Order 27 (Safety of navigation and radio equipment) 2023; (vi) Marine Order 30 (Prevention of collisions) 2016. 	<ul style="list-style-type: none"> (i) Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2023; (ii) Marine Order 15 (Construction — fire protection, fire detection and fire extinction) 2014; (iii) Marine Order 21 (Safety and emergency arrangements) 2016; (iv) Marine Order 25 (Equipment — lifesaving) 2014; (v) Marine Order 27 (Safety of navigation and radio equipment) 2023; (vi) Marine Order 30 (Prevention of collisions) 2016. (vii) Marine Order 53 (Vessels in polar waters) 2026. 	<p>New subclause (vii) added requiring cargo vessels > 10m in length (other than fishing vessels) to comply with MO53 for Certificate of Survey.</p>
<p>2.3 Certificate of Survey for a Fishing Vessel >10 m in length</p> <ul style="list-style-type: none"> (b) complies with the following Marine Orders: (i) Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2023; (ii) Marine Order 15 (Construction — fire protection, fire detection and fire extinction) 2014; (iii) Marine Order 21 (Safety and emergency arrangements) 2016; (iv) Marine Order 25 (Equipment — lifesaving) 2014; (v) Marine Order 27 (Safety of navigation and radio equipment) 2023; (vi) Marine Order 30 (Prevention of collisions) 2016. 	<p>2.3 Certificate of Survey for a Fishing Vessel >10 m in length</p> <ul style="list-style-type: none"> (b) complies with the following Marine Orders: (i) Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2023; (ii) Marine Order 15 (Construction — fire protection, fire detection and fire extinction) 2014; (iii) Marine Order 21 (Safety and emergency arrangements) 2016; (iv) Marine Order 25 (Equipment — lifesaving) 2014; (v) Marine Order 27 (Safety of navigation and radio equipment) 2023; (vi) Marine Order 30 (Prevention of collisions) 2016. (vii) Marine Order 53 (Vessels in polar waters) 2026. 	<p>New subclause (vii) added requiring fishing vessels > 10m in length to comply with MO53 for Certificate of Survey.</p>