



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

AMSA MO 2026/[number]

**Marine Orders Miscellaneous Amendment 2026 (No. )**

I, Kaylene Dale, Chief Executive Officer of the Australian Maritime Safety Authority, make this Order under subsection 342(1) of the *Navigation Act 2012*.

2026

**[DRAFT ONLY — NOT FOR SIGNATURE]**

Chief Executive Officer

**CONSULTATION DRAFT**

Draft-MO-Amendment-2026-Lifting-Appliances-Anchor-Handling-Winches

## Section 1

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### **1 Name of Marine Order**

This Marine Order is *Marine Orders Miscellaneous Amendment 2026 (No. ).*

### **2 Commencement**

This Marine Order commences on [insert date].

### **3 Amendment of Marine Orders**

Schedule 1 amends *Marine Order 12 (Construction — subdivision and stability. machinery and electrical installation) 2023* and *Marine Order 32 (Cargo handling equipment) 2016*.

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## Schedule 1 Amendment

### Division 1 *Marine Order 12 (Construction — subdivision and stability, machinery and electrical installation) 2023*

#### [1] Section 3

*substitute*

##### 3 Power

- (1) The following provisions of the Navigation Act provide for this Marine Order to be made:
  - (a) paragraphs 339(2)(a) which provides that the regulations may provide for the design and construction of vessels;
  - (b) paragraphs 339(2)(b) and (c) which provide that the regulations may provide for equipment and machinery to be carried on board and for the operating, maintaining, checking and testing of that equipment and machinery;
  - (c) paragraph 339(2)(e) which provides that the regulations may provide for the stability of vessels, including information about, and testing of, the stability of vessels;
  - (d) paragraph 339(2)(f) which provides that the regulations may provide for the operating of watertight doors;
  - (e) subsection 339(2)(l) which provides that the regulations may provide for the keeping of an official logbook including prescribing the entries to be made and the time of making the entries (see also subsection 309(2));
  - (f) paragraph 340(1)(a) which provides that the regulations may provide for giving effect to SOLAS;
  - (g) subsection 341(1) which provides that the regulations may provide for the imposition of penalties for a contravention of a provision of the regulations.
- (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.
- (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.

#### [2] Subsection 5(2)

*substitute*

- (2) For a provision of the *Guidelines for Lifting Appliances* MSC. 1/Circ. 1663 or the *Guidelines for Anchor Handling Winches* MSC. 1/Circ. 1662 applied, adopted or incorporated by this Marine Order — the **competent person** for a regulated Australian vessel is:
  - (a) the manufacturer of that equipment; or
  - (b) the vessel's recognised organisation or classification society which surveys and inspects the vessel and its equipment under a scheme of classification; or

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- (c) a testing establishment that AMSA is satisfied:
  - (i) is competent to test and examine equipment; and
  - (ii) has the necessary equipment for testing and examination.
- (3) If an expression used in this Marine Order is also used in a provision of an instrument (such as SOLAS) or other writing applied, adopted or incorporated by this Marine Order, the expression has the same meaning as in that instrument or other writing, unless the contrary intention appears.

**[3] After section 13**

*insert*

## **Division 2A Lifting appliances and anchor handling winches**

### **13A Application and interpretation**

This Division applies to a lifting appliance or anchor handling winch, and associated loose gear, installed on a vessel to which Chapter II-1 of SOLAS applies other than a lifting appliance mentioned in paragraph 1.2 of regulation 3-13 of that chapter.

### **13B Lifting appliances**

- (1) The owner of a vessel must ensure that:
  - (a) for a lifting appliance installed on the vessel on or after 1 January 2026 —
    - (i) it is designed, constructed and installed in accordance with requirements of a recognised organisation; and
    - (ii) it is load tested and thoroughly examined as follows:
      - (A) after installation and before being used for the first time; and
      - (B) after repair, modification or alteration of major character; and
    - (iii) it is permanently and clearly marked with, and has documentary evidence of, the safe working load (SWL); and
  - (b) for a lifting appliance installed on the vessel before 1 January 2026 — it meets the following no later than the first renewal survey on or after 1 January 2026:
    - (i) it is tested and thoroughly examined in accordance with the *Guidelines for Lifting Appliances* MSC. 1/Circ. 1663, as approved on 28 June 2023, or as revised or replaced from time to time; and
    - (ii) it is permanently and clearly marked with, and has documentary evidence of, the safe working load (SWL).

Penalty: 50 penalty units.

- (2) The owner of a vessel must ensure the following for any lifting appliance installed on the vessel:
  - (a) it is tested, thoroughly examined, inspected, operated and maintained in accordance with regulation 3-13 of Chapter II-1 of SOLAS and the *Guidelines for Lifting Appliances* MSC. 1/Circ. 1663, as approved on 28 June 2023, or revised or replaced from time to time; and

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- (b) it complies with the record keeping arrangements that apply to it mentioned in the *Guidelines for Lifting Appliances* MSC. 1/Circ. 1663, as approved on 28 June 2023, or revised or replaced from time to time.  
Penalty: 50 penalty units.
- (3) The owner of a vessel must ensure that loose gear used in association with a lifting appliance complies with the arrangements that apply to it mentioned in the *Guidelines for Lifting Appliances* MSC. 1/Circ. 1663, as approved on 28 June 2023, or revised or replaced from time to time.  
Penalty: 50 penalty units.
- (4) An offence against subsection (1), (2) or (3) is a strict liability offence.
- (5) A person is liable to a civil penalty if the person contravenes subsection (1), (2) or (3).  
Civil penalty: 50 penalty units.

### **13C Anchor handling winches**

- (1) The owner of a vessel must ensure that:
  - (a) for an anchor handling winch installed on or after 1 January 2026 —
    - (i) it is designed, constructed and installed in accordance with the requirements of a recognised organisation; and
    - (ii) it is load tested and thoroughly examination as follows:
      - (A) after installation and before being taken into use for the first time; and
      - (B) after repairs, modifications or alterations of major character; and
    - (iii) it has a permanent and clear markings; and
  - (b) for an anchor handling winch installed before 1 January 2026 — it is tested and thoroughly examined in accordance with the *Guidelines for Anchor Handling Winches* MSC. 1/Circ. 1662, as approved on 27 June 2023, or revised or replaced from time to time, no later than the first renewal survey on or after 1 January 2026.  
Penalty: 50 penalty units.
- (2) The owner of a vessel must ensure the following for any anchor handling winch installed on the vessel:
  - (a) it is tested, thoroughly examined, inspected, operated and maintained in accordance with regulation 3-13 of Chapter II-1 of SOLAS and the *Guidelines for Anchor Handling Winches* MSC. 1/Circ. 1662, as approved on 27 June 2023, or revised or replaced from time to time; and
  - (b) it complies with the record keeping arrangements that apply to it mentioned in the *Guidelines for Anchor Handling Winches* MSC. 1/Circ. 1662, as approved on 27 June 2023, or revised or replaced from time to time.  
Penalty: 50 penalty units.
- (3) The owner of a vessel must ensure that loose gear used in association with an anchor handling winch complies with the arrangements that apply to it mentioned in the *Guidelines for Anchor Handling Winches* MSC. 1/Circ. 1662, as approved on 27 June 2023, or revised or replaced from time to time.  
Penalty: 50 penalty units.

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- (4) An offence against subsection (1), (2) or (3) is a strict liability offence.
- (5) A person is liable to a civil penalty if the person contravenes subsection (1), (2), or (3).

Civil penalty: 50 penalty units.

### **13D Inoperative lifting appliance or winch**

- (1) The master of a vessel must:
  - (a) take into account any inoperative lifting appliance or anchor handling winch when planning or undertaking a voyage; and
  - (b) prevent the operation of any inoperative lifting appliance or anchor handling equipment; and
  - (c) prevent the uncontrolled movement of any inoperative lifting appliance or anchor handling equipment; and
  - (d) implement the storage, marking and record keeping arrangements for any inoperative lifting appliance or anchor handling appliance mentioned in the *Guidelines for Lifting Appliances* MSC. 1/Circ. 1663, as approved on 28 June 2023, or revised or replaced from time to time, or the *Guidelines for Anchor Handling Winches* MSC. 1/Circ. 1662, as approved on 27 June 2023, or revised or replaced from time to time, as applicable.

Penalty: 50 penalty units.

- (2) An offence against subsection (1) is a strict liability offence.
- (3) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty: 50 penalty units.

### **[4] Schedule 1, clause 1.5**

*omit and renumber remaining clauses*

## **Division 2 *Marine Order 32 (Cargo handling equipment) 2016***

### **[5] Subsection 19(1)**

*substitute*

- (1) The master may permit the use of an article of material handling equipment for loading or unloading a vessel only if:
  - (a) the following is met:
    - (i) a competent person, having regard to the design, strength, material of construction and proposed use of the article has determined the safe working load of the article; and
    - (ii) the safe working load is marked on the article in a way that is durable and readily visible; or
  - (b) the safe working load of an article is determined and marked in accordance with *Marine Order 12 (Construction — subdivision and stability, machinery and electrical installation) 2023*.

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## [6] Section 20

*omit*

equipment

*insert*

equipment for paragraph 19(1)(a)

## [7] Subsection 22(2)

*substitute*

(2) Material handling equipment may be used for loading or unloading only if:

- the following is met:
  - it has been tested, examined and certified and inspected in accordance with Schedule 3; and
  - the current record of examination and inspection in the register of material handling equipment indicates that the equipment is fit for use; and
  - it is visually examined before being used, to confirm it is free of obvious defects; or
- it has been tested, examined, inspected and certified in accordance with *Marine Order 12 (Construction — subdivision and stability. machinery and electrical installation) 2023*.

*Note* Section 127 of the Navigation Act provides an offence for failure to comply with machinery and equipment checks required by the regulations.

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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).