Purpose of this Guide

The purpose of this Guide is to provide an outline of the process of registration on the Australian International Shipping Register (AISR), including:

- a synopsis of the requirements and conditions for the registration of a ship on the AISR;
- how a ship will be assessed for acceptance on the AISR; and
- what is required to maintain registration of the AISR.

Note: This guide is advisory and is designed to provide a link between the different elements of the relevant legislation. Interested parties are advised that they need to consult the legislation when considering registration.

Generally, only Australian owned or operated ships are permitted to register under the AISR, and to do so shipowners must comply with the requirements to be met when applying for registration and conditions of the registration once granted. Ships that are unable to comply with these conditions must register on the Australian General Shipping Register.

Reference should be made to the Shipping Registration Act 1981, and the Shipping Registration Regulations 1981¹ which can be accessed from the Comlaw web site at:

www.comlaw.gov.au

Additional information is available on the AMSA shipping registration website at:


¹As amended by the Shipping Registration Amendment Regulations 2012.
# Table of contents

**Part 1 – Introduction**  
1.1 Objectives of the Australian International Shipping Register (AISR) 1  
1.2 Mechanism supporting the AISR 2  
1.3 Clarification of definitions used in this guide 4  

**Part 2 – The role of AMSA and contact details**  
2.1 The role of AMSA 5  
2.2 Office address 6  
2.3 Contact details for registration 6  
2.4 Contact details for the flag administration 6  
2.5 International register email addresses 6  

**Part 3 – Ships that may be registered and conditions of registration under the AISR**  
3.1 Ships that may be registered 7  
3.2 Conditions of registration 10  

**Part 4 – Assessment for acceptance on the AISR**  
4.1 Age of the ship 12  
4.2 Port State control (PSC) history 13  
4.3 Classification records 15  
4.4 Outcome of any pre-registration inspection 16  
4.5 Recognition of seafarer qualifications 16  
4.6 Removal from the AISR 17  
4.7 Right of appeal related to registration 18  

**Part 5 – Registration costs and charges**  
5.1 Registration costs 19  
5.2 Administration levies and charges 20  
5.3 Payment methods 21  

**Part 6 - The registration process**  
6.1 Steps to registration 23  
6.2 Documents required for the application process 24  
6.3 Describing the ship 25  
6.4 Evidence of ownership 26  
6.5 Demise charter parties 27  
6.6 Tonnage certificate 27  
6.7 Call sign, radio licences, MMSI numbers and beacon registration 28  
6.8 Evidence of marking of the ship 29  
6.9 Evidence of closure of foreign registration 29  
6.10 Other documents that may be required 29  

**Part 7 - Action when evidence of ownership is not available**  
30  

**Attachment 1** Arrangements for Publishing a Notice in the Commonwealth of Australia Government Notices Gazette 31  
**Attachment 2** Checklist of Application Documents 32  
**Attachment 3** Guidance on calculation of trading times 33
Part 1 – Introduction

1.1 Objectives of the Australian International Shipping Register (AISR)

The AISR has been established to provide a competitive registration alternative for Australian owned ships that are predominantly engaged in international trading. The primary objective of the AISR, as set out in the Act, is to:

a) facilitate Australian participation in international trade;

b) provide an internationally competitive register to facilitate the long term growth of the Australian shipping industry; and

c) promote the enhancement and viability of the Australian maritime skills base and the Australian shipping industry.

To promote these objectives ships registered on the AISR will have specific conditions relating to mixed crewing arrangements and international employment terms and conditions. AISR vessels will be able to access the concessional tax arrangements made available by the Australian Government as part of the shipping reforms. However, continued registration under the AISR will be subject to ongoing compliance with the conditions of registration specified in section 33A of the Shipping Registration Act 1981 (SRA).
1.2 Mechanism supporting the AISR

Information on the operation of the AISR and the incentives for ships operating under this register as detailed in this Guide are specified in the following pieces of legislation:

a) The *Shipping Registration Act 1981* (SRA);
b) The *Shipping Reform (Tax Incentives) Act 2012*;
c) The *Coastal Trading (Revitalising Australian Shipping) Act 2012*; and
d) The *Navigation Act 2012* (Nav Act)

In general terms the incentives to owners/operators registering under the AISR are detailed below. Owners/operators should be aware of the obligations that accessing these mechanism place upon them.

1.2.1 Crew composition

Vessels registered on the AISR are allowed to use mixed nationality crews. The SRA requires that only the Master or Chief Mate and Chief Engineer or First Engineer are Australian nationals or residents (see section 3.2.1 of this guide and s.33A of the SRA).


With regard to the safe manning of the vessel AMSA will determine the minimum safe manning and qualification requirements in accordance with Australian legislation implementing STCW. Guidance on how to apply for a Minimum Safe Manning certificate can be found at: [www.amsa.gov.au/vessels/manning/](http://www.amsa.gov.au/vessels/manning/)
1.2.2 Employment terms and conditions
The SRA provides for minimum terms and conditions with wages and compensation requirements set by Ministerial Determination in accordance with the International Transport Workers' Federation (ITF) template agreement. It is a requirement of registration on the AISR that a collective agreement be made between the owner of the ship and the seafarers' bargaining unit (SBU) under s11A of the Act. This collective agreement cannot set terms and conditions below the minimum specified in the SRA.

If an AISR ship operates in the coasting trade (as defined in the Coastal Trading (Revitalising Australian Shipping) Act 2012) or intra-state trade then the provisions of the Fair Work Act 2009 apply.

1.2.2.1 For AISR vessels on international trade:
Section 61AA of the SRA disallows the Fair Work Act 2009 and the Seafarers Rehabilitation and Compensation Act 1992 as follows:

a) the Fair Work Act 2009 does not apply in relation to when the ship is used to engage in international trading; and

b) the Seafarers Rehabilitation and Compensation Act 1992 does not apply in relation to the ship at any time;

In lieu of the application of these acts the SRA provides for minimum terms and conditions with wages and compensation requirements set by Ministerial Determination in accordance with the ITF template agreement. It is a requirement of registration on the AISR that a collective agreement be made between the owner of the ship and the seafarers' bargaining unit (SBU) under s11A of the Act. This collective agreement cannot set terms and conditions below the minimums as specified in sections 61AE(2) and 61AE(3) of the SRA.

1.2.2.2 For AISR vessels on the coasting trade:
Noting the application of section 61AA of the SRA, if an AISR ship operates in the coasting trade on interstate trade (as defined in the Coastal Trading (Revitalising Australian Shipping) Act 2012) or on intra-state trade then the provisions of the Fair Work Act 2009 may apply. Where doubts exist it is recommended the Fair work Ombudsman be consulted. Additional advice is available at: www.fairwork.gov.au/factsheets/FWO-fact-sheet-Maritime-Industry.pdf

1.2.3 Taxation incentives
The Shipping Reform (Tax incentives) Act 2012 will provide access to a range of tax incentives to ship on the AISR. These include:

a) Accelerated depreciation and rollover relief for owners of eligible Australian registered vessels;

b) An income tax exemption for Australian operators of eligible Australian registered ships on qualifying shipping income;

c) A refundable tax offset for employers who employ eligible Australian seafarers; and

d) An exemption from royalty withholding tax for foreign owners of eligible ships leased under a bareboat or demise charter to an Australian operator.

The above is provided for information only. Further information on these tax concessions is available on the Department of Infrastructure and Transport (DIT) web site at: www.infrastructure.gov.au/

\(^2\)Also see section 11A of the SRA.
1.3 Clarification of definitions used in this guide

For ease of reference this Guide uses the terms “ship”, “trading ship” and “owner/operator” as these are commonly understood. It should be noted the legal definitions to be applied are those within the Shipping Registration Act 1981 (SRA). In this respect the following should be noted:

a) Owner/Operator: There is no definition of “operator” within the SRA but this term is used in the guide for clarity to ensure readers are aware it applies to the party who registers the ship noting that may not be the owner. It should be noted that the definition of “owner” in s.3 of the SRA captures the owner, the operator or the operator of a ship under a demise charter.

b) Ship: It is a common misconception that the term “ship” applies only to a power driven vessel. This is not correct as the definition of ship within s.3 of the SRA captures all ‘vessel’, powered and unpowered and only excludes ships that:
   i) are structures; and
   ii) are excluded from the coverage of the act by s33A of the Shipping Registration Regulations 1981.

At the date of publication of this guide neither of these exclusions applied to vessel that would normally be registered under the AISR, however, the SRA and regulations that are in force at the time should be consulted when considering registration.

c) Trading ship: is a ship for use in connection with a commercial activity, but excludes:
   i) a Government ship;
   ii) a fishing vessel, or
   iii) a pleasure craft.

The text of section 33A of the Shipping Registration Regulations 1981 currently excludes small craft operated by traditional inhabitants and ships propelled only by means of oars.
Part 2 – The role of AMSA and contact details

2.1 The role of AMSA

AMSA is the ‘Authority’ (as defined in the SRA) with responsibility for the administration of the SRA. AMSA is supported in this role by the Registrar of Ships, a statutory appointee, who subject to AMSA’s control, is responsible for the maintenance of both the Australian General Shipping Register (the General Register) and the AISR.

AMSA provides guidance to the Registrar of Ships, who then makes registration decisions under the SRA. In developing such guidance, AMSA implements the policy of the Australian Government.

AMSA maintains separation of responsibility to ensure that any officer that has been involved in working with the Registrar of Ships in relation to the implementation of the above guidance is not involved in any review of decisions available under the SRA.

As well as managing the administration of the SRA, AMSA also carries responsibility for the setting and monitoring of the compliance of ships registered on the AISR with international standards and obligations. Accordingly, AMSA is responsible for carrying out the role of flag State Administration, including amongst other matters, the survey and certification of AISR ships and the determination of crew qualifications and Manning requirements.
2.2 Office address

The Shipping Registration Office (SRO) and other sections of AMSA that manage the functions of the Flag Administration, including Survey and Certification and Crewing and Qualifications, are located in Canberra. The postal and street addresses are:

Postal address
GPO Box 2181
Canberra City ACT 2601
Australia

Location
82 Northbourne Avenue
Braddon ACT 2612
Australia

2.3 Contact details for registration

Australian Shipping Registration Office
Correspondence should be addressed to “the Registrar of Ships”.
Telephone: (02) 6279 5925 (International +61-2-6279 5925)
Facsimile: (02) 6279 5922 (International +61-2-6279 5922)
Email: sro@amsa.gov.au

2.4 Contact details for the flag administration

Survey and Certification
Correspondence should be addressed to “the Manager – Ship Inspection and Registration”
Telephone: (02) 6279 5944 (International +61-2-6279 5944)
Facsimile: (02) 6279 5058 (International +61-2-6279 5058)
Email: fsc@amsa.gov.au

Crewing and Qualifications
Correspondence should be addressed to: “the Manager Ship Operations and Qualifications”
Telephone: (02) 6279 5808 (International +61-2-6279 5908)
Facsimile: (02) 6279 5056 (International +61-2-6279 5056)
Email: manning@amsa.gov.au

2.5 International register email addresses

The enquiry email address for the International Register that provides access to all groups detailed above is: aisr@amsa.gov.au
Part 3 – Ships that may be registered and conditions of registration under the AISR

The conditions for registration on the AISR are specified in the Shipping Registration Act 1981 (SRA). In addition s.33B of the SRA states that a ship cannot maintain registration if it does not comply with the requirements of the Navigation Act or delegated legislation made under that Act.

3.1 Ships that may be registered

3.1.1 Ownership of ships
Section 15A of the SRA outlines the objects of the AISR while section 15B prescribes which ships may be registered on the AISR. Under this section ships of at least 24 metres in tonnage length may be registered on the AISR provided that they are trading ships and are either:

a) trading ships that are Australian-owned ships;
b) trading ships that are wholly owned by Australian residents, or by Australian residents and Australian nationals;
c) trading ships that are operated solely by Australian residents, or by Australian nationals, or by both;
d) trading ships that are on demise charter to Australian based operators.

Subsection 3(1) of the SRA provides definitions of ‘Australian owned ships’ and ‘Australian residents’. Companies that have not been incorporated in Australia do not meet these definitions.

3.1.2 Trading pattern of ships seeking registration
Under section 15F of the SRA the Registrar of Ships cannot register a ship unless it is engaged predominantly in international trading. The term “predominantly used to engage in international trading” is defined in section 3 of the SRA as “if in a calendar year, the percentage of the time the ship is used to engage in international trading exceeds the percentage of the time that the ship is used to engaged in coastal trading or intra-state trading”.

Further information is given in section 61AB of the SRA.

The definitions of interstate, international and intra-state voyages under the Navigation Act 1912 or 2012 are not relevant in this matter.

Coastal trading and intra-state trading are defined in the SRA and in the Coastal Trading (Revitalising Australian Shipping) Act 2012.
It should be noted that both coastal and intra-state trading require a coastal cargo to be onboard, whereas international trading requires either:

i. the international cargo to be onboard OR

ii. for the voyage to be associated with an international cargo.

If any coastal cargo is onboard, the voyage cannot be considered as international trading.

The impact of this is that potentially ballast voyages between ports on the Australian coast may be considered in the calculation of international trading time but only if it is associated with an international cargo. This would generally occur on a ballast voyage immediately before carriage of an international cargo.

Some voyages will not be counted in the calculation of international, coastal or intra-state voyages. Examples would be voyages to dry dock, time in lay up etc.

Some further guidance on this is given in attachment 3

"International trading" does not mean the ship cannot operate on the Australian coast. AISR ships are free to:

a) carry cargoes from overseas destinations to Australian ports;

b) load cargoes for overseas destinations in Australian ports; and

c) transit Australian waters;

as is required by their trading pattern, and still be considered as being engaged in international trading.

In addition, AISR vessels will be able to be used by a Temporary Licence Holder to carry cargo under the Coastal Trading (Revitalising Australian Shipping) Act 2012. This would allow time limited access to AISR ships to the Australian domestic coastal trade when not engaged in international trading.

Further information regarding coastal trading is available on the DIT website: www.infrastructure.gov.au/

Owners/operators of ships seeking registration will be required to submit a statutory declaration that the vessel will be used for “international trading” using form AMSA 328 as part of the registration process.

Note: AISR vessels that engage in coastal trading on inter-state voyages, as defined under the Coastal Trading (Revitalising Australian Shipping) Act 2012, or intra-state voyages may be subject to the provisions of the Fair Work Act 2009. Where doubts exists it is recommended the Fair work Ombudsman be consulted. Additional advice is available at: www.fairwork.gov.au/factsheets/FWO-fact-sheet-Maritime-Industry.pdf

3.1.3 Survey and Certification – Acceptable Class

Ships registered on the AISR will be required to comply with the Navigation Act at all times. Accordingly, under Marine Order 31 (Ship Surveys and Certification) all AISR ships will need to be “in class” with one of AMSA’s Recognised Organisations. All necessary certificates should be sought accordingly.
AMSA recognise nine members of the International Association of Classification Societies (IACS) and these are prescribed in *Marine Order 1 (Administration)* and include:

- American Bureau of Shipping (ABS): [www.eagle.org](http://www.eagle.org)
- Bureau Veritas (BV): [www.bureauveritas.com](http://www.bureauveritas.com)
- Det Norske Veritas Germanischer Lloyd: [www.dnvgl.com](http://www.dnvgl.com)
- Lloyd’s Register (LR): [www.lr.org](http://www.lr.org)
- Nippon Kaiji Kyokai (Class NK): [www.classnk.or.jp](http://www.classnk.or.jp)
- China Classification Society (CCS): [www.ccs.org.cn](http://www.ccs.org.cn)
- Korean Register of Shipping (KR): [www.krs.co.kr](http://www.krs.co.kr)
- Registro Italiano Navale (RINA): [www.rina.org](http://www.rina.org)

In considering certification requirements, AISR ships are also required to comply with all relevant Marine Orders. Marine Orders 2 (Australian International Shipping Register) details variations to other marine orders that apply to AISR ships. As such Marine Orders 2, in conjunction with all other relevant Marine Orders, should be consulted as a means to fully understand compliance requirements.

3.2 Conditions of registration

Sections 15A, 15D, 15F and 33A of the SRA refer to, or outline, the conditions under which a ship may seek registration on the AISR.

3.2.1 Senior officer positions

Under section 33A of the SRA the owner/operators must ensure that:

a) an Australian national or Australian resident is the Master or Chief Officer of the ship; and

b) an Australian national or Australian resident is the Chief Engineer or First Engineer of the ship.

In implementing this requirement the owner/operator is required to take reasonable steps to ensure that the two senior officer positions filled by Australian citizens or residents are those of the master and chief engineer.

3.2.2 Work agreements and collective agreements

Under s.15F(3)(b) of the SRA the Registrar of Ships cannot register a ship on the AISR unless a collective agreement has been made between the owner/operator of the ship and the seafarers bargaining unit specified in s.11A of the SRA.

Marine Order 2 provides additional requirements for the making of collective agreements. Collective agreements can form part of a work agreement, as permitted by the Navigation Act and must also contain provisions about wages, paid annual leave and dispute resolution procedures, as detailed in sections 61AE, 61AF and 61AG of the SRA. Wages must not be less than the amount determined by the Minister in accordance with section 61AE of the SRA.

The Minister’s Determination about wages can be found on the AMSA website at: https://www.legislation.gov.au/Details/F2016L01259

3.2.3 Compensation insurance

It is an offence under the SRA (s s.61AM(1)) if the owner/operator of the ship fails to have in place compensation insurance for death or long term disability suffered by a seafarer on a ship on the AISR.

The Minister will determine the amount of insurance that is sufficient. The Minister’s Determination about insurance can be found on the AMSA website at: https://www.legislation.gov.au/Details/F2016L01260

Evidence of the existence of such a policy will be required at the time the ship seeks registration in accordance s.7A(v) of Shipping Registration Regulations.

3.2.4 Provision of information to aid assessment for acceptance

Under s.15F(2) a ship may only be registered on the AISR if it is deemed suitable. As a result it is a condition of registration that the owner/operators provide information to the Registrar of Ships to enable such an assessment to be carried out.

*Including those vessels that transfer from the General Register to the AISR.
The matters are detailed in s.15F(2) of the SRA and in s.7(A)(ii) and (iii) of the *Shipping Registration Regulations 1981*. For an application for registration on the AISR the owner/operator is required to provide, as part of the documentation detailed in Part 6 of this guide:

a) The ship’s port State control (PSC) inspection records for the last 5 years. A shorter period will be accepted where the ship was delivered from builder less than 5 years prior to the date of application; and

b) The ship’s classification society records for the last 5 years. A shorter period will be accepted where the keel of the ship was laid less than 5 years prior to the date of application.

Where the owner/operator is unable to provide the information required covering the periods specified, the reasons for this are to be communicated at the time of the application.

### 3.2.5 Pre-registration inspection

Pre-registration inspection of a ship applying to register under the AISR may be required under s.15D of the SRA. The flag State control area of AMSA’s Ship Inspection and Registration (SI&R) group will advise the Registrar of Ships if a pre-registration inspection is required based on the ship's age and history.

Where a pre-registration inspection has been deemed necessary but has not been carried out the Registrar of Ships is not permitted to complete the registration process under s.15F(4) of the SRA.

Such inspection will only take place after the fixed registration fee is paid (see Part 5 of this Guide for costs), and the inspection will be charged at an hourly rate, plus associated travelling costs, as detailed in the *AMSA Fees Determination 2015*, which is available at:

Part 4 – Assessment for acceptance on the AISR

SRA section 12 details the obligation for certain Australian-owned ships to be registered on the Australian General Register. In circumstances where a valid application is made under s.15 of the SRA, there is an appropriate certificate relating to the tonnage measurement of the ship (s.16) and the ship is not otherwise registered (s.17) then the Registrar of Ships is obliged to register the ship in the General Register.

However, entry on the AISR is not automatic, and as a matter of policy, the Australian Government has chosen to limit AISR registration to quality operators maintaining quality ships engaged on international trading. As a result the SRA gives AMSA the discretion not to register a ship on the International Register even if a complete application is made under s.15C of the AISR. This enables AMSA to control the standard of the ships that enter on the AISR, thereby protecting the reputation of the Australian flag.

In making such a registration decision, AMSA will consider the matters listed in s.15F(2) of the SRA and s.14(2) of the Shipping Registration Regulations 1981. The Registrar of Ships is obliged to refuse registration on the International Register where the ship does not comply with the conditions detailed in Part 3 of this guide, or in circumstances where the ship is not considered of an adequate standard for inclusion on the AISR.

In considering whether a ship is of a suitable standard for inclusion on the AISR the SI&R group will conduct an assessment of the issues of concern prescribed in s.15F(2) of the SRA and provide a recommendation to the Registrar of Ships. These are:

a) The age of the ship;
b) The PSC history of the ship;
c) The classification history of the ship;
d) The outcome of any pre-registration inspection of the ship by an AMSA Surveyor;
e) Any other matters that SI&R consider relevant; and
f) Any matters prescribed by the Shipping Registration Regulations 1981.

General information regarding how this assessment will be conducted is provided in the following material but this does not prevent SI&R from considering other issues (as permitted in (e) above), such as casualties, and making a recommendation based on these factors.

4.1 Age of the ship

Historical port State control data collected by AMSA indicates that the age of a vessel is one of the major contributing risk factors in determining the likelihood of a ship being detained. However, age itself is not determinative, and the age of the ship will be considered in conjunction with the ship’s port and flag state history as well as its class records6.

6See Section 4.3 of this guide.
4.1.1 Age limitations

The nominal maximum age limit on ships entering the AISR will be 15 years from keel laid date. However, older ships may be accepted subject to being assessed as suitable. This limitation does not apply to the Australian General Shipping Register.

The following age criteria will be employed to assess ships applying to enter the AISR:

a) Ships up to 10 years of age, where a ship has a good port State control history and no issues are noted with respect to the class records, will normally be excluded from the need for a pre-registration inspection.

b) Ships over 10 years of age, and up to 20 years of age, may be accepted for registration under the AISR subject to a good port State control history, where no issues are noted with respect to the class records. However, a pre-registration inspection will be required unless specifically deemed not to be required by SI&R.

c) Ships over 20 years of age will only be accepted onto the AISR in exceptional circumstances. These ships will be subject to a pre-registration inspection. In addition evidence of the structural and material condition of the ship will normally be sought from the relevant classification society.

4.1.2 Exclusion from the need for a pre-registration inspection

Noting 4.1.1(a), the following ships may be excluded from the need to be subject to a pre-registration inspection:

a) Ships of less than 10 years old with a good port State and Classification Society survey and certification history; and/or

b) Newly constructed ships which have been built to comply with the Navigation Act and relevant delegated legislation; and/or

c) Newly or recently constructed ships built to comply with Marine Orders where AMSA has had oversight of the ship, and/or

d) Newly or recently constructed ships which have traded to Australia where AMSA has had considerable oversight of the vessel under port State control.

4.2 Port State control (PSC) history

In addition to the contributory age related risk factor referred to in 4.1, AMSA will consider the PSC history of the ship and/or operators as this provides a significant indicator of performance. When examining the PSC history of a ship, AMSA will consider the history of the ship based on the last 5 years of PSC data as indicated in section 3.2.5 of this guide. The data to be considered during the assessment will be based on the entire PSC record, not just a regional record, as it will be this history that AMSA will take on as the flag administration.

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6Where an owner/operator is seeking to have a class of ship entered then this may also be cause to dispense with the pre-registration inspection where all records indicate that the operator and individual ships have a good record.

7The RO being the ships Classification Society. Any work by the Classification Society will be at the owner/operators cost.

8Where this exclusion is sought it will be specifically agreed by the Manager Ship Inspection and Registration.
Noting the requirements detailed in sections 4.2.1 to 4.2.3 below, owner/operators should also be aware that:

a) where there is limited PSC data (i.e. the ship has not traded within a PSC MOU region); and/or
b) where a ship is transferring from a flag State on the Black List with one or more MOU’s

this will normally trigger the need for a pre-registration inspection if the vessel is being considered for registration on the AISR.

4.2.1 Detention history

The following criteria will be applied to the assessment of a ship’s PSC history in regard to detentions:

a) A ship which has been detained twice in the previous 18 months will not be accepted onto the AISR; and/or
b) A ship which has been detained four times in the five years under consideration will not be accepted into the AISR.

In the event that the owner/operator is of the view that there are extenuating circumstances related to the detention history, they may make a submission to the Manager SI&R detailing those circumstances and providing relevant documentary evidence for consideration. Based on this information the Manager SI&R will make a recommendation to the Registrar of Ships.

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*Including the US Coast Guard Black List.*
4.2.2 Deficiency history
In addition to the detention criteria the following will be applied to the assessment of the PSC history of a ship in regard to deficiencies:

a) A ship which has exceeded the average number of deficiencies* per inspection within an MOU region over the preceding two years may be considered as "high risk". These ships may be subject to a pre-registration inspection, regardless of age, depending on the nature of the deficiencies. Such ships may not be accepted onto the AISR; and/or

b) A ship which has an average of more than 10 deficiencies per inspection over the 5 year assessment period will not normally be accepted onto the AISR. Where acceptance is considered, such ships will be subject to a pre-registration inspection; and/or

c) A ship which has one or more inspections in the preceding 2 year assessment period where more than 20 deficiencies are noted will not normally be accepted onto the AISR. Where acceptance is considered, such ships will be subject to a pre-registration inspection.

In the event that the owner/operator is of the view that there are extenuating circumstances related to the deficiency history, they may make a submission to the Manager SI&R detailing those circumstances and providing relevant documentary evidence for consideration. Based on this information the Manager SI&R will make a recommendation to the Registrar of Ships.

4.2.3 Owner/operator history
AMSA will also consider the collective performance of all ships belonging to, or operated by, an individual owner/operator in respect to PSC history within the Asia Pacific and Indian Ocean MOU regions. This evaluation will be undertaken to determine if there is a good history across all the ships in the owner’s/operator’s fleet. This evaluation will be based on the detention and deficiency history of all ships in the fleet. The evaluation would be extended to the other MOU regions if the owner/operator does not have a presence in the PSC MOU region.

4.3 Classification records
Classification Society records submitted are to include copies of all current statutory certificates currently issued to the ship. The Manager SI&R will examine the ships classification records to determine if there are:

1. Any unacceptable conditions or exemptions applied to the ship; and/or

2. Any open conditions of class; and/or

3. Any other evidence that points to a failure to comply with relevant requirements.

Where such issues are noted, SI&R will make recommendations to the Registrar of Ships. This may include the need for issues noted in relation to points 1 and 2 to be resolved before the ship can be registered on the AISR. Issues noted under point 3 will be considered as part of the evaluation of the owner’s/operator’s performance under 4.2.3 of the guide.

* Average numbers of deficiencies as published in the annual reports of respective PSC MOUs.

10 When considering deficiencies particular emphasis will be placed on repeat deficiencies of the same type, particularly if these indicate a weakness or failure of the safety management system.
4.4 Outcome of any pre-registration inspection

Where a pre-registration inspection finds issues of non-compliance with relevant requirements these will normally need to be rectified before the ship can be registered on the AISR. Where the inspection finds the ship is in very poor condition, and/or there is evidence of a systemic failure of the Safety Management System (SMS) then this may be considered sufficient grounds for SI&R to recommend the ship not be accepted onto the AISR until such issues can be resolved to the satisfaction of the Manager SI&R.

4.5 Recognition of seafarer qualifications

Seafarers working on ships registered on the AISR will need to have their qualifications recognised by AMSA. The requirements for such recognition are contained in Marine Order 2 (Australian International Shipping Register).

4.6 Removal from the AISR

A ship may be removed from the AISR under s.66 (Ships lost or ceasing to be entitled to be registered) and 33B (Cancellation of registration in the International Register).

4.6.1 General provision for removal from the general or international register

Under s.66 of the SRA a ship which:

a) has been lost\(^{11}\);

b) destroyed or broken up; or

c) is no longer entitled to be registered (i.e: sold);

can be removed from the relevant register. The owner/operator of the ship is obligated to give notice of such events within 30 days under section 32 of the Shipping Registration Regulations 1981.

4.6.2 Cancellation of registration on the AISR

Section 33B of the SRA allows AMSA to cancel registration under the AISR where a ship does not comply with relevant legislative requirements including:

a) the Navigation Act, and/or

b) the Protection of the Sea (Prevention of Pollution from Ships) Act 1983; and/or

c) the Shipping Registration Act 1981; and/or

d) other laws as prescribed in s.22A of the Shipping Registration Regulations 1981 being the Occupational Health and Safety (Maritime Industry) Act 1993, or a foreign law that implements a Convention under the auspices of the International Maritime Organization to which Australia is a party.

In addition, registration may be cancelled if the ship is unseaworthy or substandard, is not used predominantly to engage in international trading, a collective agreement is not in force, or for failure to continue to meet the requirement of the Shipping Registration Regulations 1981.

Where a ship has contravened any of the above it may be removed from the AISR.

It is not the intention that ships should be removed from the AISR where rectification action is practical, reasonable and can be instituted in a timely manner. AMSA takes the view that, in circumstances that warrant it, proactive action to improve ship compliance is better than immediate punitive action.

In order to promote compliance, where there are concerns about a ship, a Notice would normally be given to the owner/operator of the ship with the intention that the ship should be bought into compliance prior to action under s.33B of the SRA being required.

**Note:** Where a ship is removed from the AISR it is required to be registered on the Australian General Shipping Register on the basis of its Australian ownership.

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\(^{11}\) Including being lost or taken in conflict.
4.7 Right of appeal related to registration

There are a range of appeal provisions in the SRA that permit appeal to the Administrative Appeals Tribunal (AAT) and these are detailed in s.78 of SRA.

4.7.1 Right of appeal for refusal of registration

Where a ship is refused entry onto the AISR the Registrar of Ships will provide a Notice in writing to the owner/operator as required by s.15F(6) of the SRA. This Notice will give reasons for the decision.

The owner/operator may make an application in writing to AMSA’s Chief Executive Officer for review of the decision of the Registrar of Ships. Such applications should be made within 28 days of the decision of the Registrar of Ships. The application should set out the reasons for the application and provide enough information to allow the Chief Executive Officer to decide the application.

4.7.2 Right of appeal for removal from the register

If a decision is made to cancel registration on the AISR the Registrar of Ships will provide a Notice in writing to the owner/operator as required by s.33B(3) of the SRA. This Notice will give reasons for the decision.

The owner/operator may make an application in writing to AMSA’s Chief Executive Officer for review of the decision of the Registrar of Ships. Such applications should be made within 28 days of the decision of the Registrar of Ships. The application should set out the reasons for the application and provide enough information to allow the Chief Executive Officer to decide the application.
Part 5 – Registration costs and charges*

The cost of registering on the AISR is divided into fixed and recurring charges. The registration process includes one off costs for each service provided while there is a quarterly levy to cover the regulatory function costs of the associated flag State administration, including flag State inspections.

5.1 Registration costs

5.1.1 Fixed fees

The cost of applying to register on the AISR is the same as that for the General Register and consists of a one off fee as prescribed in the Australian Maritime Safety Authority Fees Determination 2015. This can be accessed at: http://www.amsa.gov.au/vessels/shipping-registration/shipping-registration-fees/index.asp

The AMSA Fees Determination is updated from time to time and applicants should always view the current version when considering costs.

5.1.2 Services and inspections at the hourly rate

The pre-registration inspection and any other inspections or services requested by the owner/operator (noting this does not include flag State control inspections) and any work undertaken with respect to special approvals or exemptions will be charged at the hourly rate. With regard to this charge the following should be noted:

a) The hourly rate is $272 AUD per hour for services provided by a Marine Surveyor or equivalent AMSA Officer. This is calculated on the basis of each fully or partially completed half-hour. As noted in section 5 of the Australian Maritime Safety Authority Fees Determination 2015, a minimum charge of $136 will be applied for all services charged on the basis of the hourly rate.

b) The hourly rate will also apply to 8.4 hours of travelling time per day, or part thereof where the AMSA officer is required to travel overseas. Travelling time within Australia will be based on the time travelled out to a maximum of 7.6 hours per day.

c) In addition to the hourly rate for hours worked and travelling time AMSA will also recover travelling costs and waiting time as specified in paragraphs 9, 10, 11, 12, and 13 of the Determination. These charges will cover cost that have been, or are expected to be, incurred by the AMSA in providing the service in question.

5.1.3 Manning

All Australian flagged ships which are subject to the Navigation Act are required to have a safe manning determination. The following charges apply to this service:

a) Processing of an application for approval of safe manning determination will attract a one off charge of $1088 AUD.

b) Processing of an application for review of existing safe manning determination will attract a one off charge of $544 AUD.

*Registration costs and charges mentioned in this section are subject to change. For up to date fees and charges please refer to the Australian Maritime Safety Fee Determination available at: www.amsa.gov.au/vessels/levies-fees-charges/
5.1.4 Registration Charges

Shipping registration charges are paid as a one off fee for each service provided. The current AMSA fees and charges determination should be consulted when making an application to determine the correct fee, which is to accompany the application. The AMSA fees and charges determination can be found at: [www.amsa.gov.au/vessels/levies-fees-charges/](http://www.amsa.gov.au/vessels/levies-fees-charges/)

5.2 Administration levies and charges

AMSA is predominately a self-funding government agency and the functions undertaken by AMSA are based on cost recovery arrangements, either through direct payment for specific services identified in *Australian Maritime Safety Authority Fee Determination 2015* or by cost recovery through levies for funding of overarching regulatory safety, navigation and pollution response frameworks.

5.2.1 Regulatory Functions Levy (RFL) for AISR ships

For general register ships (which operate predominantly on Australian coastal trades) and foreign flag ships in Australia, levies are paid as prescribed in the Marine Navigation (Regulatory Functions) Levy Collections Act 1991 on the basis of entry to Australian ports.

However, as ships on the AISR will not necessarily be in Australian waters, but will impose the same regulatory costs on AMSA as other ships, the RFL levy for AISR ships will fall due on the first day of each quarter, regardless of location, as detailed in s.6(4A) of Marine Navigation (Regulatory Functions) Levy Collections Act 1991.

As of 1 July 2012 the RFL is calculated on the following basis as detailed in Regulation 4 of the Marine Navigation (Regulatory Functions) Levy Regulations 1992:

a) 17.0 cents, or such other amount as is from time to time prescribed, for each of the first 5,000 tons of the ship’s net tonnage;

b) 17.1 cents, or such other amount as is from time to time prescribed, for each ton by which the ship’s net tonnage is more than 5,000 tons but not more than 20,000 tons;

c) 17.0 cents, or such other amount as is from time to time prescribed, for each ton by which the ship’s net tonnage is more than 20,000 tons but not more than 50,000 tons; and

d) 15.5 cents, or such other amount as is from time to time prescribed, for each ton by which the ship’s net tonnage is more than 50,000 tons.

The table below provides an indication the annual cost of the RFL based on ship size, however, the actual levy needs to be calculated on the basis of the ships net tonnage in each case.

<table>
<thead>
<tr>
<th>Net tonnage</th>
<th>RFL Rate per ton</th>
<th>Quarterly Charge (AUD)</th>
<th>Yearly charge (AUD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3500</td>
<td>17.0 cents</td>
<td>$595</td>
<td>$2380</td>
</tr>
<tr>
<td>15000</td>
<td>17.1 cents</td>
<td>$2565</td>
<td>$10260</td>
</tr>
<tr>
<td>30000</td>
<td>17.0 cents</td>
<td>$5100</td>
<td>$20400</td>
</tr>
<tr>
<td>60000</td>
<td>15.5 cents</td>
<td>$9300</td>
<td>$37200</td>
</tr>
</tbody>
</table>

5.2.2 Marine Navigation and Protection of the Sea Levies for AISR ships

These levies fall due and are payable in the same manner as for all other ships when they call at Australian ports or operate in Australian waters. As a result these levies will not be payable by AISR ships that do not visit Australia.

5.3 Payment methods

5.3.1 Hourly rate charges

Owners/operators will be invoiced for hourly rate services. In some cases advance payment may be sought on such services. Payment for hourly rate services is by credit card (Visa or MasterCard only) or Electronic Funds Transfer (EFT).
5.3.2 Registration charges detailed in 5.1.3.
For applications for registration the fee must be paid with the application. This can be paid by using one of the following methods:

a) By cheque; made payable to “Australian Maritime Safety Authority”
b) By Direct deposit; to the following account:
   Account name: Australian Maritime Safety Authority
   Bank and Branch: Westpac, Westfield Shopping Centre, Belconnen ACT 2617
   Account No: 216888
   Branch No: 032-778
   International Swift Code: WPACAU2S

   **Note:** The name of the ship must be referenced on the deposit. Where the ships name is not finalised the name of the owner or registering agent is to be referenced on the deposit.

c) By Credit Card – by completing form found on the AMSA website at:

5.3.3 Payment of Levies
Levies can be paid by credit card (Visa or MasterCard only), direct debit authority or EFT via the AMSA Levy Payment Portal https://apps.amsa.gov.au/levies/

More information on levy payment is available at:
Telephone: +61 2 6279 581
Email: levyqueries@amsa.gov.au
Part 6 - The registration process

6.1 Steps to registration

The following steps describe the process of registering a ship under the AISR in very general terms. All steps must be completed in order for the registration to be finalised;

1. The owner/operator of the ship lodges an application with supporting documents (see section 6.2) and the required fee.

2. Where necessary the Shipping Registration Office (SRO) will advise the applicant of any outstanding requirements related to the information required under s.15 of the SRA.

3. Where necessary the Registrar of Ships will advise the applicant if any more information is required for assessment, or if there are issues with the assessment.

4. Where necessary, the need for a pre-registration inspection will be notified. Once details of the inspection are confirmed and the required payment is received, the pre-registration inspection will be conducted by AMSA.

5. Where the ship meets registration requirements the “Marking Note” showing registration particulars to be marked permanently on the ship will be issued to the applicant by the SRO.

6. The applicant marks the ship in accordance with the instructions, completes and returns the Marking Note to the SRO. Any outstanding documentary requirements are to be completed by this stage.

7. The SRO completes the registration process by entering the ship on the AISR and sending the applicant ship’s Australian International Registration Certificate.

The Regulations allow 12 months to complete the application and registration process. Where this does not prove possible the applicant may apply for more time but this would attract the extension fee described in section 5.1.3 of this guide. This extension fee must be paid before any extension is granted.

This process will only be varied where the vessel seeks provisional registration under s.22 of the SRA. For ships seeking registration on the AISR this will normally only be used where the ship is under construction. Provisional registration will be considered on a case by case basis.

6.1.1 Forms

All AMSA forms required to apply for registration can be downloaded from AMSA’s web site at: www.amsa.gov.au/forms-and-publications/international/forms/
6.2 Documents required for the application process

As noted above, an application for registration must be accompanied by a range of documents and the lodgement fee (see Section 5.1 of this Guide). The following documents may be relevant:

- **a)** Application for Australian International Registration on AMSA form 335*
- **b)** Declaration of ownership and nationality on AMSA form 208*
- **c)** Notice of appointment of registered agent on AMSA form 157*
- **d)** Document describing the ship (see section 6.3 of this guide)
- **e)** Documents giving evidence of ownership (see section 6.4 of this guide)
- **f)** Demise charter party, where if applicable (see section 6.5 of this guide)
- **g)** Tonnage certificate (see section 6.6 of this guide)
- **h)** Call sign licence (if applicable) (see section 6.7 of this guide)
- **i)** Evidence of marking of ship (see section 6.8 of this guide)
- **j)** Evidence of a collective agreement (see section 3.2.2 of this guide)
- **k)** Compensation insurance (see section 3.2.3 of this Guide)
- **l)** Port State and Classification Society Survey and Certification Records (see section 3.2.4 of this guide)
- **m)** Declaration of trading pattern and crew composition (see section see sections 3.1.2 of this guide)
- **n)** Evidence of closure of previous foreign registration (see section see sections 3.1.2 and 6.10 of this guide). Where time frames are tight then evidence of intention to close may be sufficient, however, evidence of closure must be provided immediately after registration is issued if it is to be retained.

*If the ship is foreign-owned and under demise charter to an Australian, these forms must be signed by the demise charterer.*

For most items above original application forms are required, however:

- **a)** For items (e) to (g), either original documents or certified copies may be submitted.
- **b)** For items (j) to (l) certified copies of the documents are sufficient.

Depending on the circumstances additional documents may be needed to support the application and this are detailed in sections below.
6.3 Describing the ship

The documentation required to describe the ship varies depending on its registration history:

6.3.1 Ship not previously registered (in Australia or elsewhere)

The following is required:

a) A Builder’s Certificate (www.amsa.gov.au/forms-and-publications/AMSA211.pdf) or, if the owner is unable to obtain one after taking all reasonable action;

b) A statutory declaration, made by a person acquainted with the facts stating the prescribed particulars of the ship, any other particulars asked for on a Builder’s Certificate that are known to the person, and the grounds for the person’s belief that the particulars are correct.

*Note:* If the ship was built in stages by different builders, or was subject to a major alteration or conversion after building, an applicant may provide a separate certificate describing the subsequent work.

6.3.2 Ship last registered in Australia

Where the ship was, or is currently, registered in Australia under the General Register the owner/operator should provide a statutory declaration by a person acquainted with the facts specifying the respects (if any) in which the description of the ship has changed since last registered.

6.3.3 Ship last registered under foreign law

Where the ship is, or was previously registered under a foreign flag the following should be provided:

a) A copy of the foreign registration certificate or an official certificate describing the ship, and

b) Where applicable, a statutory declaration by a person acquainted with the facts specifying the respects (if any) in which the information in the certificate is wrong or does not give the required particulars of its description (the required particulars are listed in the Builder’s Certificate form).
It is also necessary that evidence of closure of foreign registration will (or suspension under a demise charter) be provided before registration under the AISR can be issued. (See section 6.10 of this guide).

6.4 Evidence of ownership

Section 11 of the SRA specifies that there are 64 shares in a ship and the majority of these must be owned by an Australian or an Australian company (see section 3.1.1 of the Guide) with an ACN\(^{12}\). The documentation required to provide evidence of ownership will vary depending on the ship’s registration history.

6.4.1 Ship not previously registered (in Australia or elsewhere)

The owner/operator should provide the builder’s certificate, together with documents relating to any changes of ownership since building.

If the ship was built outside Australia and acquired by the owner outside Australia and those documents are not available, then the owner/operator is to provide the document by which the owner acquired the ship noting section 6.4.4 below.

6.4.2 Ship last registered in Australia

Where the ship was registered in Australia under the General register the owner/operator needs to provide a statutory declaration detailing ownership since the ship was last registered.

6.4.3 Ship last registered under foreign law

Where the ship was previously registered under a foreign flag the following should be provided:

a) Any document that is evidence of title under the foreign law; and

b) Any documents relating to any changes of ownership since last registered or in respect of the sale of the vessel to the owner seeking registration.

6.4.4 Types of documents related to evidence of ownership

Evidence of ownership or changes of ownership can be provided by means of bills of sale or evidence of transmission of ownership by operation of law (e.g. probate, letters or administration, court orders). As ownership can change in several ways evidence provided may vary. Generally the following documents will be accepted as evidence of changes:

a) **Sale of vessel.** The owner/operator should provide original Bills of Sale\(^{13}\) or other document transferring ownership for each change of ownership. The document must be signed by the transferor, specifying:

   i) the name of the ship;

   ii) the nature and extent of the interest in the ship to which it relates; and

   iii) the name and address of the transferor and transferee.

   If no Bill of Sale was made at the time of sale, or it has since been lost, the owner/operator should have the seller prepare a new one containing the information detailed and a statement of the actual date of sale.

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\(^{12}\)ACN is an Australian Company Number issued under the *Corporations Act 2001*.

\(^{13}\)Where the ship was already an Australian registered ship the Bill of Sale should be made on AMSA form 159.
An agreement for sale is acceptable if it is supported by proof that the sale was finalised.

b) **Transmission of ownership on death of a sole owner or owner-in-common.** The owner/operator should provide a copy of the probate notice, or letters of administration, which can be obtained from the State or Territory probate office that handled the estate.

In these cases, ownership or power to dispose of the ship passes to the deceased owner’s legal personal representative or to the beneficiary under a will, depending on the case.

c) **Transmission of ownership on death of a joint owner.** The owner/operator should provide “Evidence of Death” (either death certificate, certificate of burial, probate or letters of administration).

d) **A statutory declaration.** The owner/operator should provide a statutory declaration made by a person well acquainted with the facts, to the effect that the deceased person mentioned in the document giving evidence of death is the same as the joint owner of the ship. In this case, ownership passes automatically to the surviving joint owner.

e) **Transmission of ownership by order of a Court.** The owner/operator should provide a copy of the Order, which may be obtained from the court that made it.

### 6.4.5 Use of Statutory declarations

Where gaps remain in the ownership history the owner/operator can provide a statutory declaration, made by a person acquainted with the facts of the case setting out particulars of the history of the ownership of the ship. Where the owner/operator cannot provide a statutory declaration that effectively addresses all gaps in the ship’s ownership history then a further statutory declaration is to be provided and a Gazette notice published as detailed in Part 7.0 of this Guide.

### 6.5 Demise charter parties

Demise charter means the demise, letting, hire or delivery of the ship to the charterer under a charter party, by virtue of which the charterer has whole possession and control of the ship (including the right to appoint the master and crew of the ship).

Evidence of a demise charter (the demise charter party) is only required if the ship is a foreign ship and operated under a demise (or bare boat) charter by an Australian based operator whose principal place of business is Australia. If the ship is operated under a demise charter, the charterer should also complete an extra declaration titled ‘Declaration by Charterer’ using AMSA form 169.

### 6.6 Tonnage certificate

All ships seeking registration on the AISR must have an International Tonnage Certificate (1969) before registration can be completed. Tonnage measurement and the issue of the tonnage certification must be undertaken by one of the recognized Classification Societies referred to in section 3.1.3 of this Guide.
6.7 Call sign, radio licences, MMSI numbers and beacon registration

Where a ship is registered on either the General or International registers it is required to have an Australian call sign, Maritime Mobile Service identity (MMSI) number and radio licence. The ships 406 MHz beacon(s) is also required to be coded with an Australian identity which will be the MMSI number.

6.7.1 Call sign and radio licence

The Australian radio licence for the ship’s radio station must be lodged with the SRO for noting once it has been issued. Radio licences and call signs are issued by the Radiocommunications Licencing and Telecommunications Deployment section of the Australain Communications and Media Authority.

It should be noted that AISR ships require a ‘Class C’ licence given the international pattern of operations. Vessels with a Class C licence are identified by a four alpha call sign as shown in the exampled in the figure below.

**Ship Stations Class C Call Sign Template**

<table>
<thead>
<tr>
<th>aaaa</th>
<th>Ship Stations Class C call sign template (example of typical call sign VJCK)</th>
</tr>
</thead>
<tbody>
<tr>
<td>aaaa</td>
<td>The first two alpha characters will be either VJ, VK, VL, VM, VN or VZ. The third and fourth are any alpha</td>
</tr>
</tbody>
</table>

Contact details for the Radio Communications Licencing and Telecommunications Deployment section are as follows:
Telephone: 1300 850 115
Facsimile: (02) 6219 5347 (International 61-2-6219 5347)
Email: lais@acma.gov.au
Web: www.acma.gov.au (under Marine ship)

6.7.2 MMSI numbers

Maritime Mobile Service Identities, or MMSI numbers, are issued by RCC Australia, within AMSA. All AISR ships are required to have an MMSI number. An MMSI can be applied for using Form AMSA 89 which can be accessed from: www.amsa.gov.au/forms-and-publications/AMSA89.pdf

The postal address for the issue of MMSI numbers and registration of 406 MHz distress beacons is that shown in section 2.1 of this Guide. Correspondence should be addressed to the “406/MMSI Database Manager - Emergency Response Division”. Contact details are as follows:
Telephone: 1800 406 406 (International 61-2-6279 5766)
Facsimile: 1800 406 329 (International 61-2-6219 5347)
Email: ausbeacon@amsa.gov.au
6.7.3 406 MHz distress beacon

As all AISR ships will carry a 406 MHz distress beacon on the ship the applicant should register their beacon at beacons.amsa.gov.au/.

Contact details for beacons are as follows:
Telephone: 1800 406 406 (International 61-2-9332 5766)
Facsimile: 1800 406 329 (International 61-2-9332 6323)
Email: ausbeacon@amsa.gov.au
On line registration: beacons.amsa.gov.au/

6.8 Evidence of marking of the ship

The evidence that a ship has been marked as required under the SRA and regulations is a signed and witnessed Marking Note. The Marking Note is sent by the Registrar of Ships to the owner/operator detailing the ship’s registration particulars which must be permanently marked on the ship. These particulars include the Official Number, Ship’s Name, Home Port and Tonnage Length.

6.9 Evidence of closure of foreign registration

Where an owner/operator is seeking registration of a ship last registered under a foreign law they are to provide evidence from the foreign registration authority showing that the registration is closed. This must be done before a registration certificate can be issued.

Examples of the sort of documents that may be accepted for this purpose are a Certificate of Deletion or a certified copy of the foreign register showing the closing entry.

6.10 Other documents that may be required

6.10.1 Certificate of incorporation
To be provided to the Registrar of Ships as evidence of incorporation if the owner/operator, charterer or agent is a body corporate under the Corporations Act 2001.

6.10.2 Power of attorney
To be provided to the Registrar of Ships with any document that has been signed under power.

6.10.2 Written authority to sign
To be provided to the Registrar of Ships with any document that has been signed by an agent on behalf of an owner/operator.
Part 7 - Action when evidence of ownership is not available

Where the owner/operator is in the situation where some parts of the ship ownership history are not known, the person who signs the application for registration should:

a) submit all of the available documents and statutory declarations; and

b) make a statutory declaration that states:
   i) to the best of your knowledge the persons claiming ownership are lawfully entitled to ownership of the ship; and
   ii) explain the basis of the belief that the owner/operator are lawfully entitled to ownership; and
   iii) explain the reasons certain documents or statutory declarations cannot be obtained; and

c) publish a Notice in the Commonwealth of Australia Gazette (see Attachment 1) and send a copy of the published notice to the Registrar of Ships.

To allow time for possible appeals to the declaration of ownership, registration cannot be processed until thirty (30) days from the date of publication of the notice of purported ownership.
Arrangements for Publishing a Notice in the Commonwealth of Australia Government Notices Gazette

The Government Notices Gazette is published by the Office of Parliamentary Counsel. Information about how to lodge a notice is available at: www.comlaw.gov.au/content/GazettesLodgement.

1.0 The gazette notice

The notice must use the following wording:

**SHIPPING REGISTRATION ACT 1981**

NOTICE OF INTENTION TO APPLY FOR REGISTRATION

Notice is hereby given of the intention of

(full name)........................................................................................................ of
(address)............................................................................................................ to apply, after the expiration of the period of thirty days commencing on the date of publication of this notice, for the registration under the abovementioned Act of the ship particulars of which are set out below.

Objections to the registration of the ship in the name of the abovementioned person, by persons claiming a legal proprietary right in respect of the ship, should, together with any relevant documents that will verify the claim be delivered to the Registrar of Ships of Ships at the Australian Shipping Registration Office, 82 Northbourne Avenue, Braddon ACT 2612 or sent by properly prepaid post to the Registrar of Ships of Ships at the Australian Maritime Safety Authority, GPO Box 2181, Canberra City ACT 2601, before the expiry of the period referred to above.

Particulars of Ship

Present name:

Former name:

Present whereabouts:

Length:

Principal material of construction:

Type of ship:
Checklist of Application Documents

The information provided below is an indicative list of the documents mentioned in this Guide.

1. Application for Registration
2. Declaration of Ownership and Nationality
3. Notice of Appointment of Registered Agent
4. Document describing the ship
   • Builder’s Certificate
   • Foreign registration certificate
   • Foreign certificate describing ship
   • Statutory declaration
5. Evidence of Ownership
   • Bill of Sale
   • Probate
   • Letters of Administration
   • Court Order
   • Foreign certificate of title
   • Statutory declarations in lieu of Bills of Sale
   • Statutory declaration by applicant
   • Gazette Notice
6. Demise charter party
7. Statutory Declaration on ships intended trading pattern
8. A copy of the Collective Agreement (see 3.2.2 of this Guide)
9. Evidence of Compensation Insurance (see 3.2.3 of this Guide)
11. Port State control records (see section 3.2.4 of this Guide)
12. Classification Society Records (see section 3.2.4 of the Guide)
13. Ships Radio Station Licence
14. Marking Note
15. Fee
16. Other
   • Evidence of closure of foreign registration
   • Declaration by Charterer
   • Certificate of Incorporation
   • Power of Attorney
   • Written authority to sign
A ship IS engaged on international trading when:
1. it takes on board passengers or cargo at one or more ports in a State or Territory of Australia and carries those passengers or cargo for disembarkation at one or more ports in one or more foreign countries.
2. it takes on board passengers or cargo at one or more ports in one or more foreign countries for disembarkation at one or more ports in a State or Territory of Australia.
3. it takes on board passengers or cargo at one or more ports in one or more foreign countries for disembarkation at one or more ports in one or more foreign countries.
4. it is on a non-cargo/passenger or ballast voyage where the purpose is for conducting any activity in connection with those detailed in items 1, 2 and 3 above. This will only apply to a voyage that precedes loading an international trading cargo.

A ship is NOT engaged on international trading when:
5. any coastal trading cargo is on board.
6. any intra-state trading cargo is on board.
7. the vessel is not engaged in any trading by definition.

A ship is NOT engaged in any trading when:
8. it does not meet any of the definitions of international trading, coastal trading or intra-state trading; such as:
9. it is in lay-up or dry dock, or any activity associated with the maintenance of the vessel, even if in a foreign country, and any voyage involved in proceeding to that foreign location.
10. it repositions for the purpose of coastal or intra-state trading operations.

When is a ship considered to be “predominantly” engaged in international trading”?
11. the Shipping Registration Act 1981 prescribes that to be registered on the International Register the percentage of time that the ship is used for international trading must exceed the time it is used for coastal or intrastate trading.
12. the measure is therefore based on a percentile of the type of trading that a ship participates in during a calendar year and the requirement is that more than 50% of trading time must be on international trading.
13. it should be noted that this is not the same as 50% of the year. This is because within this context, trading is either international, coastal or intra-state and by these definitions⁴, it can be seen that there may be times a vessel is operating but not meeting one of these trading definitions (see also paragraphs 8-10).

⁴In considering these definitions, readers are reminded to NOT consider these terms within the context of Navigation Act 2012 definitions, but to only consider them as indicated in the preamble to this guidance document.
14. an example of this requirement is that where a ship is used for ‘trading’ for 200 days in a calendar year, at least 101 days must be on activities classified as being for international trading.

**Administrative processes**

15. for the purpose of calculating trading times, international trade commences on the day the first passenger or cargo is loaded on board, and ends on the day the last passenger or cargo is disembarked or the day that any coastal or intra-state cargo is loaded. Both days are included in the duration.

16. for the purposes of paragraph 4, this aspect of international trade commences on the day the voyage begins and ends on the day the international trading cargo is loaded.

17. time will be calculated in full day amounts.

18. Comparison of international trading to coastal and intra-state trading will be based on a calendar year, or for the purpose of applying for registration, at least 3 months forward planning.

19. amount of time taken by paragraphs 8-10 is not considered in the calculations.
Some Examples

20. vessel loads a full cargo in Singapore for full discharge in Brisbane – international trading from time cargo loading commences until it is fully discharged.

21. vessel loads a full cargo in Singapore for part discharge in Brisbane and remainder discharged in Sydney – international trading from time cargo loading commences until it is fully discharged at Sydney.

22. vessel loads a part cargo in Singapore for full discharge in Brisbane. On the way it stops at Darwin where it loads more part cargo for discharge in Brisbane - international trading from time cargo loading commences in Singapore until when cargo loading in Darwin commences. Darwin to Brisbane is coastal cargo and requires a coastal trading license.

23. after discharge of a cargo, vessel departs Brisbane in ballast heading to Auckland to load a full cargo for Melbourne – international trading from time cargo discharge in Brisbane is complete until discharge is complete in Melbourne – the ballast voyage is in connection with the international cargo from Auckland to Melbourne.

24. vessel loads a full cargo in Fremantle for full discharge in Singapore. After discharge vessel sails in ballast to Darwin for a cargo to Townsville - international trading from time cargo loading commences in Fremantle until when cargo discharge is completed in Singapore. Cargo from Darwin to Townsville is a coastal cargo. Voyage between Singapore and Darwin is NOT in connection with the international trading so is NOT international trading but similarly it is NOT coastal cargo either. This period is not considered within the calculation of international trading compared to coastal/intra-state trading.

25. vessel fully discharges an international cargo in Brisbane and then sails to Sydney for a cargo to Melbourne – the voyage to Brisbane is international trading until cargo discharge is complete. Sydney to Melbourne is coastal trading and requires a coastal trading license. The voyage Brisbane to Sydney is neither coastal trading (as there is no cargo on board) or international trading (as it is not connected with the international trading voyage) and so is not considered trading in the calculation of "predominantly engaged".

A flow chart follows:
As defined in section 3 of SRA.

As defined in section 3 of SRA and Coastal Trading (Revitalising Australian Shipping) Act 2012.

As defined in section 3 and 61AB of SRA.