



# *MARINE ORDERS*

## *Part 62*

### *Commonwealth ships*

#### *Issue 1*

Order No 1 of 2003

Pursuant to Section 425(1AA) of the *Navigation Act 1912*, I hereby make this Order issuing the attached Marine Orders, Part 62, Issue 1, to come into operation on 1 March 2003.

Clive Davidson  
Chief Executive Officer  
4 February 2003

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## 1 Purpose of this Part

**1.1** The *Navigation Act 1912* defines a Commonwealth ship as a ship:

- “(a) that belongs to the Commonwealth or to a Commonwealth authority;
- (b) the beneficial interest in which is vested in the Commonwealth or in a Commonwealth authority; or
- (c) that is for the time being demised or sub-demised to, or in the exclusive possession of, the Commonwealth or a Commonwealth authority;

but does not include a ship:

- (d) that belongs to ANL Limited;
- (e) the beneficial interest in which is vested in ANL Limited; or
- (f) that is for the time being demised or sub-demised to, or in the exclusive possession of, ANL Limited.”<sup>1</sup>

**1.2** All Commonwealth ships are covered by the *Navigation Act 1912*. However, many provisions of the Act, particularly in Part II, are inappropriate for Commonwealth ships and for the public employees crewing them. AMSA has therefore exempted Commonwealth ships from some or all of the provisions of the Act, on condition that the ships comply with the requirements set out in this Marine Order. The exemption is reproduced in Appendix 1 to this Order.

## 2 Definitions of words and phrases used in this Part

**AMSA** means the Australian Maritime Safety Authority established by the *Australian Maritime Safety Authority Act 1990*;

**Chief Marine Surveyor** means the person occupying the position of Manager, Ship Inspections, in AMSA or, in respect of any particular purpose under this Part, a suitably qualified person authorised by the Manager, Ship Inspections, for that purpose;

**length**, in relation to a ship, has the same meaning as in the International Convention on Load Lines, 1966, as amended by the Protocol of 1988;

**penal provision** means a penal provision for the purposes of Regulation 4 of the Navigation (Orders) Regulations;<sup>2</sup>

**USL Code** means the Code referred to in section 427 of the *Navigation Act 1912*.

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<sup>1</sup> ANL Limited has not been in operation since 1998.

<sup>2</sup> Regulation 4 of the Navigation (Orders) Regulations provides that a person who fails to comply with a provision of an order made under subsection 425(1AA) of the *Navigation Act 1912* that is expressed to be a penal provision is guilty of an offence and is punishable by:—

- (a) if the offender is a natural person - a fine not exceeding 20 penalty points; or
- (b) if the offender is a body corporate - a fine not exceeding 50 penalty points.

By virtue of section 4AA of the *Crimes Act 1914*, a penalty point is equivalent to \$110.

### 3 Interpretation

#### 3.1 In this Part:

- headings and sub-headings are part of the Part;
- the Appendix is part of the Part;
- a footnote is not part of the Part, but may provide additional information or guidance in applying the Part.

### 4 Application

4.1 This Part applies to all Commonwealth ships.

4.2 Where a provision of this Part is inconsistent with a provision of another Part of Marine Orders, the provision of this Part will prevail to the extent of the inconsistency.

### 5 Official log-book

For the purposes of subsection 171(1) of the Navigation Act, the prescribed form of log-book for a Commonwealth ship of 7 metres or more in length but less than 24 metres in length<sup>3</sup> is Form 1 in Appendix 2 and the entries to be made are those referred to in that Form.

### 6 Surveys and certificates

6.1 Subject to 6.2, the structure, machinery, equipment, life-saving appliances and radio installations of a Commonwealth ship of less than 24 metres in length<sup>4</sup> are subject to survey in the manner and at the times set out in the USL Code.

6.2 Provision 6.1 does not apply to a vessel of less than 7 metres in length if the Chief Marine Surveyor is satisfied that the operator of the vessel has established and maintained a planned maintenance and inspection system for the vessel.

6.3 Subject to 6.4, the master of a Commonwealth ship of less than 24 metres in length<sup>5</sup> must not take the ship to sea unless:

- (a) there is in force such certificates as would enable the ship to comply with sections 206T and 227A of the *Navigation Act 1912*; or

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<sup>3</sup> The prescribed form of log-book for a Commonwealth ship of 24 metres or more in length is to be found in Marine Orders, Part 53.

<sup>4</sup> A Commonwealth ship of 24 metres and over in length must meet the survey requirements set out in Marine Orders Part 31.

<sup>5</sup> A Commonwealth ship of 24 metres and over in length must meet the certificate requirements set out in Divisions 2C and 5 of Part IV of the *Navigation Act 1912*.

- (b) there is in force in respect of the ship certificates in accordance with the USL Code issued by or acceptable to the administration of the State or Territory in which the ship operates and appropriate to the voyages to be undertaken.

This is a penal provision.

**6.4** Provision 6.3 does not apply to a vessel to which 6.1 does not apply by virtue of 6.2.

## **7 Dangerous goods**

To the extent practicable, dangerous goods carried on board a Commonwealth ship should be packed, loaded and stowed in accordance with the International Maritime Dangerous Goods Code and Marine Orders, Part 41.<sup>6</sup>

## **8 Stowing and carriage of cargo**

The loading, stowing and securing of cargo on board a Commonwealth ship must:

- (a) comply with 8 to 14 (inclusive) of Marine Orders, Part 42; or
- (b) if the ship is less than 24 metres in length, be to the satisfaction of the administration of the State or Territory in which the ship operates.

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<sup>6</sup> Marine Orders, Part 41, enables the Chief Marine Surveyor to modify a requirement, or exempt a ship from a requirement, in appropriate circumstances.

## Appendix 1

### EXEMPTION UNDER SECTION 421 OF THE NAVIGATION ACT 1912

I hereby:

- (a) pursuant to paragraph 4(b) of the *Transport and Communications Legislation Amendment Act 1994*, revoke the exemption under section 423A of the *Navigation Act 1912* made on 8 May 1985; and
- (b) pursuant to section 421 of the *Navigation Act 1912*, exempt each ship included in a class of ships specified in Column 1 of the schedule from such provisions of that Act as are specified in Column 2 in respect of that class, subject to such conditions as are specified in Column 3 in respect of that class and, in respect of an individual ship within that class, any additional conditions imposed by the Authority in respect of that ship.

#### SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
A Commonwealth ship under 7 metres in length	Sections 45 to 48 (inclusive), 50 to 94 (inclusive), 110, 113, 127 to 132B (inclusive), 138, 148 to 167 (inclusive), 171, 173, 174, 206T, 227A, 255, 268 to 269N (inclusive)	The ship complies with relevant provisions of Marine Orders, Part 62.
A Commonwealth ship of 7 metres or more in length but under 24 metres in length	Sections 45 to 48 (inclusive), 50 to 94 (inclusive), 110, 113, 127 to 132B (inclusive), 138, 148 to 167 (inclusive), 173, 174, 206T, 227A, 255, 269A to 269N (inclusive)	The ship complies with relevant provisions of Marine Orders, Part 62.
A Commonwealth ship of 24 metres or more in length	Sections 45 to 48 (inclusive), 50 to 94 (inclusive), 110, 113, 127 to 132B (inclusive), 138, 148 to 167 (inclusive), 173, 174, 255	The ship complies with relevant provisions of Marine Orders, Part 62.

Clive Davidson  
Chief Executive Officer  
Australian Maritime Safety Authority  
4 February 2003

**Appendix 2**

**Forms**

**Form 1**

**Official log-book**

**Description Of Vessel**

Name of Vessel .....

Official No. (if any) ..... Home port (if any) .....

Purpose of vessel .....

Registered Tonnage (if any): Gross..... Net .....

Name of Master .....

**Record of tests, drills etc required by the *Navigation Act 1912***

*(such as fire drills, steering gear tests and drills, abandon ship drills, survival craft drills, examination of life-saving and fire fighting appliances, opening/closing of watertight doors)*

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**Occurrences**

*(such as a grounding, a collision, fire, flooding, damage to hull/machinery or any other dangerous occurrence)*

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**Events specified in s.268 of the *Navigation Act 1912***

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