Australian Government

Australian Maritime Safety Authority

Marine Order 62 (Government vessels) 2003

in effect under the *Navigation Act 1912*

This is a compilation of *Marine Order 62 (Government vessels) 2003*, prepared on 12 June 2013, taking into account modifications made by *Marine Order 4 (Transitional modifications) 2013*.

Subsection 343(2) of the *Navigation Act 2012* provides that the Marine Orders may provide for specified orders that were in force under the *Navigation Act 1912* immediately before its repeal to have effect, for the *Navigation Act 2012*, with the modifications made for it in the Marine Orders.

Marine Order 4 (Transitional modifications) 2013 provides for this Order to have effect and makes modifications for it.

This compilation is not a compilation for the *Legislative Instruments Act 2003*, and so is not registered on the Federal Register of Legislative Instruments.

Prepared by the Office of Legislative Drafting, Australian Maritime Safety Authority

Page

1 Name of Order 3
1A Purpose 3
2 Power 3
3 Definitions 3
4 Application 4
5 Official log-book 4
6 Surveys and certificates 4
7 Dangerous goods 5
8 Stowing and carriage of cargo 5
Schedule 1 Forms 6

1 Name of Order

This Order is *Marine Order 62 (Government vessels) 2003*.

1A Purpose

This Order sets out requirements about the following matters to be complied with by Government vessels to which the Navigation Act applies:

(a) survey requirements;

(b) certification requirements;

(c) logbook requirements;

(d) carriage of dangerous goods;

(e) stowage and carriage of cargo.

Note 1 For the kinds of Government vessels to which the Navigation Act does not apply (eg navy vessels) — see section 10 of the Act.

Note 2 AMSA or the Minister may exempt Government vessels from some or all of the Navigation Act and specify conditions for the exemption — see section 334 of the Navigation Act. An exemption is not a legislative instrument — see subsection 334(4) of the Act.

2 Power

2.1 Subsection 98(1) of the Navigation Act provides for regulations to be made for safety certificates.

2.2 Subsection 130 provides for regulations to be made for pollution certificates.

2.3 Subsection 112(4) of the Navigation Act provides for regulations about the carriage of cargo on a vessel.

2.4 Subsection 112(5) provides that the regulations may provide for the loading, stowing or carriage of cargo in vessels.

2.5 Subsection 112(6) of the Navigation Act provides for regulations about the carriage of dangerous goods.

2.6 Subsection 309(2) of the Navigation Act provides for regulations about the keeping of logbooks.

2.7 Subsection 339(1) of the Navigation Act provides for regulations about official logbooks to be kept by the masters of regulated Australian vessels.

2.8 Subsection 342 of the Navigation Act provides that AMSA may make orders about any matter about which regulations may be made.

3 Definitions

In this Order:

length, for a vessel, has the same meaning as in the *International Convention on Load Lines, 1966*, as amended by the *Protocol of 1988 relating to the International Convention on Load Lines, 1966.*

Note 1 Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- USL Code
- Manager, Ship Inspection and Registration.

Note 2 Other terms used in this Order are defined in the Navigation Act, including:

- AMSA

- Government vessel
- vessel.

4 Application

4.1 This Order applies to a regulated Australian vessel:

(a) that belongs to the Commonwealth or an agency of Commonwealth; or

(b) the beneficial interest in which is vested in the Commonwealth or an agency of the Commonwealth; or

(c) that is for the time being demised or sub-demised to, or in the exclusive possession of, the Commonwealth or an agency of the Commonwealth.

Note 1 For the kinds of Government vessels to which the Navigation Act does not apply (eg navy vessels) — see section 10 of the Act.

Note 2 AMSA has exempted under section 334 of the Navigation Act certain Government vessels to which the Act applies from some provisions of the Act and other Marine Orders. A copy of the AMSA *Government vessels Exemption 2012 (No.1)* is available on the AMSA website at http://www.amsa.gov.au together with a copy of this Order. The exemption is subject to the condition that each exempt vessel complies with this Order.

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

5 Official log-book

For the purposes of section 309 of the Navigation Act, the approved form of log-book for a Government vessel of 7 metres or more in length but less than 24 metres in length is Form 1 in Schedule 1 and the entries to be made are those referred to in that Form.

Note For requirements for the log-book for a Government vessel of 24 metres or more in length — see *Marine Order 11 (Living and working conditions on vessels) 2012*.

6 Surveys and certificates

6.1 Subject to subsection 6.2, the structure, machinery, equipment, life-saving appliances and radio installations of a Government vessel of less than 24 metres in length are subject to survey in the manner and at the times set out in the USL Code.

Note For survey requirements for a Government vessel of 24 metres or more in length — see *Marine Order 31 (Ship surveys and certification) 2006*.

6.2 Subsection 6.1 does not apply to a vessel of less than 7 metres in length if the Manager, Ship Inspection and Registration is satisfied that the owner of the vessel has established and maintained a planned maintenance and inspection system for the vessel.

6.3 Subject to subsection 6.4, the master of a Government vessel of less than 24 metres in length may take the vessel to sea only if there is in force for the vessel each safety certificate that is required for the vessel under a Marine Order.

Penalty: 50 penalty units.

6.4 Subsection 6.3 does not apply to a vessel to which subsection 6.1 does not apply by virtue of subsection 6.2.

6.5 An offence against subsection 6.3 is a strict liability offence.

6.6 A person is liable to a civil penalty if the person contravenes subsection 6.3.

Civil penalty: 50 penalty units.

7 Dangerous goods

To the extent practicable, dangerous goods carried on board a Government vessel should be packed, loaded and stowed in accordance with the International Maritime Dangerous Goods Code and *Marine Order 41 (Carriage of dangerous goods) 2009*.

Note *Marine Order 41 (Carriage of dangerous goods) 2009* provides for the Manager, Ship Inspection and Registration to modify a requirement, or to exempt a vessel from a requirement in appropriate circumstances.

8 Stowing and carriage of cargo

The loading, stowing and securing of cargo on board a Government vessel must:

(a) comply with 8 to 14 (inclusive) of *Marine Order 42 (Cargo stowage and securing) 2003*; or

(b) if the vessel is less than 24 metres in length, be to the satisfaction of the administration of the State or Territory in which the vessel operates.

Schedule 1 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 2012*

(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)

…….

…….

…….

Marine incidents

*(See the definition of **marine incident** in subsection 14(1) of the Navigation Act 2012 for the kinds of incidents to be reported. These include the death or serious injury of a person, the loss of a vessel, the collision, grounding, sinking, or capsizing of a vessel, a fire on board a vessel and any event that results in or could have resulted in, the death, injury or loss of a person on board).*

…….

…….

…….

Notes to *Marine Order 62 (Government vessels) 2003*

Note 1

Marine Order 62 (Government vessels) 2003 (in effect under subsection 343(2) of the *Navigation Act 2012*) as shown in this compilation comprises *Marine Order 62 (Government vessels) 2003* modified as indicated in the following tables.

Table of Orders

Year and number	Registration date	FRLI number	Commencement date	Application, saving or transitional provisions
Marine Orders Part 62, Issue 1 (MO 2003/1)	2 May 2006	F2006B00671	1 March 2003	
Marine Order 4 (Transitional modifications) 2013 (MO 2013/3)	30 May 2013	F2013L00871	1 July 2013	Section 3 and Schedules 1-42

Table of amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted mod. = modified

Provision affected	How affected
1	mod. 2013/3
1A	mod. 2013/3
2	mod. 2013/3
3	mod. 2013/3
4	mod. 2013/3
5	mod. 2013/3
6	mod. 2013/3
7	mod. 2013/3
8	mod. 2013/3
Schedule 1	mod. 2013/3