



Australian Government
Australian Maritime Safety Authority

Marine Order 50 (Special purpose vessels) 2012

in effect under the *Navigation Act 2012*

This is a compilation of *Marine Order 50 (Special purpose vessels) 2012*, prepared on 5 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.

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Division 1 Preliminary

1 Name of Order

This Order is *Marine Order 50 (Special purpose vessels) 2012*.

2 Commencement

This Order commences on the day after it is registered.

3 Repeal of *Marine Orders Part 50, issue 5*

Marine Orders Part 50, issue 5 is repealed.

4 Purpose

- 4.1 This Order provides for matters relating to the construction, equipment and operation of special purpose vessels and the training requirements for special personnel.
- 4.2 This Order gives effect to the Code of Safety for Special Purpose Ships.

5 Power

- 5.1 Section 18 of the Navigation Act provides that a vessel is a special purpose vessel if it:
 - (a) is used or for use for a purpose specified in the regulations; and
 - (b) is specified by the regulations to be a special purpose vessel for section 18.
- 5.2 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.
- 5.3 Paragraph 339(2)(j) of the Navigation Act provides that regulations may make provision for or in relation to special purpose vessels.
- 5.4 Subsection 342(1) of the Navigation Act provides that AMSA may make orders about any matter for which provision must or may be made by regulations.

6 Definitions

In this Order:

existing vessel means a vessel constructed before 1 May 1987 other than a vessel that, after 30 April 1987, is modified resulting in any of the following:

- (a) a change to the length, breadth or least moulded depth of the vessel;
- (b) a change in the use or intended use of the vessel;
- (c) a change in the vessel's gross tonnage by more than 10%.

SPS Code means the Code of Safety for Special Purpose Ships adopted by IMO Resolution MSC.266(84), as in force from time to time.

Note 1 A copy of each IMO resolution that adopts or amends this Code is available on AMSA's website at <http://www.amsa.gov.au>.

Note 2 Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- IMO
- Manager, Ship Inspection and Registration
- Navigation Act

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- SOLAS.

Note 3 Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- foreign vessel
- inspector
- Marine Order
- recognised organisation
- regulated Australian vessel
- special personnel
- vessel.

7 Interpretation

- 7.1 A reference to *the Administration* in the SPS Code, an IMO resolution or document mentioned in this Order is taken to mean AMSA.

Note Copies of IMO resolutions and circulars mentioned in this Order are available from AMSA.

- 7.2 In this Order, the date when a vessel was constructed is the date when the lesser of the following occurs:
- (a) at least 50 tonnes of the vessel is assembled;
 - (b) at least 1% of the proposed total mass of the structural material of the vessel is assembled.

8 Application

This Order applies to a special purpose vessel that is:

- (a) a regulated Australian vessel; or
- (b) a foreign vessel on a voyage starting or ending at a port in Australia or an Australian Territory.

Division 2 Exemptions and equivalents

9 Exemptions

- 9.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for an exemption of a vessel from a requirement of this Order.
- 9.2 The decision maker for the application is the Manager, Ship Inspection and Registration.
- 9.3 The Manager, Ship Inspection and Registration may give an exemption only if he or she is satisfied that:
- (a) compliance with the requirement would be unnecessary or unreasonable having regard to the vessel, its equipment and its intended voyage; and
 - (b) giving the exemption would not contravene SOLAS or the SPS Code.
- 9.4 The master of the vessel must ensure that a copy of the exemption is kept on the vessel for the duration of each voyage to which the exemption applies.

Penalty: 50 penalty units.

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9.5 An offence against subsection 9.4 is a strict liability offence.

9.6 A person is liable to a civil penalty if the person contravenes subsection 9.5.

Civil penalty: 50 penalty units.

Note *Marine Order 1 (Administration) 2011* deals with the following matters about exemptions and equivalents:

- making an application
- seeking further information about an application
- the time allowed for consideration of an application
- imposing conditions on approval of an application
- notification of a decision on an application
- review of decisions.

10 Equivalents

10.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for approval to use an equivalent.

Note For definitions of *equivalent* and *use*, see subsection 10.4.

10.2 The decision maker for the application is the Manager, Ship Inspection and Registration.

10.3 The Manager, Ship Inspection and Registration may approve use of an equivalent only if he or she is satisfied that:

- (a) use of the equivalent would be at least as effective as compliance with the requirement to which the equivalent is an alternative; and
- (b) approving use of the equivalent would not contravene SOLAS or the SPS Code.

10.4 In this section:

equivalent means:

- (a) a fitting, material, appliance or apparatus that could be fitted or carried in a vessel as an alternative to a fitting, material, appliance or apparatus that a provision of this Order requires to be fitted or carried in the vessel; or
- (b) an arrangement that could be made, or a procedure that could be followed, in or for a vessel as an alternative to a requirement of this Order.

use, of an equivalent, includes:

- (a) fitting or carrying the equivalent in or on a vessel; and
- (b) making an alternative arrangement or following an alternative procedure.

Division 3 Existing ships and ships of less than 500 gross tonnage

11 Compliance with the SPS Code

For an existing vessel or a vessel of less than 500 gross tonnage, AMSA may decide that a vessel that does not comply with the SPS Code is taken to comply with the SPS Code if AMSA is satisfied that it is reasonable and practical in the circumstances, taking into account:

- (a) the vessel; and
- (b) the vessel's equipment; and

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- (c) the intended operations of the vessel.

Division 4 Prescribed special purpose ships and persons**12 Meaning of special purpose vessel**

12.1 For paragraph 18(a) of the Navigation Act, it is a specified purpose that the vessel carries on board, in connection with the purpose of the vessel or work carried out on board the vessel, a person who is not any of the following:

- (a) a passenger;
- (b) a licensed pilot;
- (c) a seafarer who is not special personnel;
- (d) a child less than 1 year.

Note Uses for a special purpose vessel include drilling, laying cables, creating artificial islands, installing wind turbines and scientific exploration.

12.2 For paragraph 18(b) of the Navigation Act, a vessel is a special purpose vessel if it is self-propelled and, for its function, carries on board:

- (a) at least 13 special personnel; or
- (b) at least 13 special personnel or passengers of whom:
 - (i) at least 1 is special personnel; and
 - (ii) no more than 12 are passengers.

Division 5 Certificates**14 Certificates required for special purpose vessels**

14.1 A special purpose vessel must have the following certificates:

- (a) a special purpose ship safety certificate;
- (b) each certificate required by a marine order because it is a cargo vessel.

14.2 For subsection 99(1) of the Navigation Act, a special purpose safety certificate is a safety certificate

15 Survey for special purpose vessels

A special purpose vessel must be surveyed in accordance with *Marine Order 31 (Ship surveys and certification) 2006* as if it were a cargo vessel.

16 Issue of special purpose ship safety certificates

16.1 An issuing body may issue a special purpose ship safety certificate if:

- (a) an application is made under section 99 of the Navigation Act for a special purpose vessel; and
- (b) the special purpose vessel is surveyed and the issuing body is satisfied that:
 - (i) the special purpose vessel complies with the SPS Code; or
 - (ii) AMSA has decided, under section 11, that the special purpose vessel is taken to comply with the SPS Code.

16.2 The special purpose ship safety certificate is a safety certificate for subsection 99(1) of the Navigation Act.

16.3 The certificate must:

- (a) be in the approved form; and

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- (b) specify a period of up to 5 years for which the certificate remains in force.
- 16.4 However, a vessel constructed before 1 January 2010 may use a special purpose ship safety certificate issued under *Marine Orders Part 50, issue 4*.

17 Issue of certificates of survey for cargo vessels

- 17.1 An issuing body may issue a certificate of survey for a cargo vessel relevant to its size and operation if:
- (a) an application is made under section 99 of the Navigation Act for a safety certificate for a special purpose vessel; and
 - (b) the vessel is surveyed and the issuing body is satisfied that it complies with all the survey requirements mentioned in sections 8, 9, 10 and 13 of *Marine Order 31 (Vessel surveys and certification) 2006*.
- 17.2 The certificate of survey is a safety certificate for subsection 99(1) of the Navigation Act.
- 17.3 The certificate of survey must specify a period of up to 5 years for which the certificate remains in force.

Note 1 For the use of an approved form — See *Marine Order 1 (Administration) 2011*.

Note 2 Approved forms are available on AMSA's website <http://www.amsa.gov.au>.

Note 3 A fee may be determined for processing an application under this section — see the *Australian Maritime Safety Authority Act 1990*, s 47.

Division 6 Special personnel**18 Training of special personnel**

- 18.1 The master of a special purpose vessel may take the vessel to sea only if he or she is satisfied that each special personnel onboard:
- (a) knows the layout of the vessel and the location of emergency equipment; and
 - (b) has received training onboard the vessel in safety procedures for:
 - (i) emergencies that may occur on that particular type of vessel; and
 - (ii) handling the ship's safety equipment.
- Penalty: 50 penalty units.
- 18.1A An offence against subsection 18.1 is a strict liability offence.
- 18.1B An person is liable to a civil penalty if the person contravenes subsection 18.1.
- Civil penalty: 50 penalty units.
- 18.2 The master must record the following:
- (a) information given about the layout of the vessel for paragraph 18.1(a);
 - (b) training given for paragraph 18.1(b).
- 18.3 The master may request information required to satisfy him or herself that a person has sufficient training to undertake all the duties required of the person on board the vessel.
- 18.4 The master may request the information mentioned in subsection 18.3 from:
- (a) the employer of a person who is special personnel; or
 - (b) the person directly.

Notes to *Marine Order 50 (Special purpose vessels) 2012*

Note 1

Marine Order 50 (Special purpose vessels) 2012 (in effect under subsection 343(2) of the *Navigation Act 2012*) as shown in this compilation comprises *Marine Order 50 (Special purpose vessels) 2012* modified as indicated in the following tables.

Table of Orders

Year and number	Registration date	FRLI number	Commencement date	Application, saving or transitional provisions
<i>Marine Order 50, issue 6</i> (MO 2012/9)	7 Nov 2012	F2012L02150	8 Nov 2012	-
<i>Marine Order 4 (Transitional modifications) 2013</i> (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
4.....	mod. 2013/3
5.....	mod. 2013/3
6.....	mod. 2013/3
7.....	mod. 2013/3
8.....	mod. 2013/3
9.....	mod. 2013/3
10.....	mod. 2013/3
11.....	mod. 2013/3
12.....	mod. 2013/3
14.....	mod. 2013/3
15.....	mod. 2013/3
16.....	mod. 2013/3
17.....	mod. 2013/3
18.....	mod. 2013/3
Schedule 1.....	mod. 2013/3
