



Australian Government
Australian Maritime Safety Authority

AMSA MO 2025/[number]

Marine Order 19 (Tonnage measurement) 2025

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

Dated 2025

[DRAFT ONLY — NOT FOR SIGNATURE]
Chief Executive Officer

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Division 1 Preliminary

1 Name of Marine Order

This Marine Order is *Marine Order 19 (Tonnage measurement) 2025*.

1A Commencement

This Marine Order commences on 1 July 2025.

1B Repeal of *Marine Order 19 (Tonnage measurement) 2014*

Marine Order 19 (Tonnage measurement) 2014 is repealed.

2 Purpose

This Marine Order:

- (a) gives effect to the Tonnage Convention; and
- (b) deals with the certification of vessels as evidence of compliance with the Tonnage Convention.

3 Power

- (1) The following provisions of the Navigation Act provide for this Marine Order to be made:
 - (a) subsection 153(1) which provides that regulations may give effect to the Tonnage Convention and otherwise provide for the tonnage of vessels;
 - (b) subsection 153(2) which provides that regulations may provide for the issuing of certificates, assigning tonnages to vessels and measuring of the tonnage of vessels;
 - (c) section 314 which provides for particular matters relating to certificates;
 - (d) paragraph 340(1)(e) which also provides that the regulations may give effect to the Tonnage Convention.
- (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 Navigation Act.
- (3) Subsection 342(1) of the Navigation Act provides that AMSA may make a Marine Order about anything that may or must be made by regulation.
- (4) Subsection 342(4) of the Navigation Act allows a Marine Order to provide for a matter by applying, adopting or incorporating any matter contained in any instrument or document in force or existing from time to time.

4 Definitions

In this Marine Order:

repealed regulations means the Navigation (Tonnage Measurement) Regulations in force on 5 September 1994.

Tonnage Convention country means a country or territory to which the Tonnage Convention applies.

Note 1 Some terms used in this Marine Order are defined in *Marine Order 1 (Administration) 2013*, including:

- Australian General Shipping Register

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- Australian International Shipping Register
- IMO
- MARPOL
- SOLAS.

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

- domestic commercial vessel
- International Tonnage Certificate (1969)
- recreational vessel
- regulated Australian vessel
- Tonnage Convention.

Note 3 Information on obtaining any IMO document mentioned in this Marine Order is available from AMSA's website at www.amsa.gov.au. The text of the original Tonnage Convention, SOLAS and MARPOL, and any amendments in force, are accessible through the Australian Treaties Library on the AustLII website at www.austlii.edu.au.

Note 4 For delegation of AMSA's powers under this Marine Order — see the AMSA website Marine Orders link at www.amsa.gov.au.

5 Interpretation

- (1) For a provision of the Tonnage Convention applied, adopted or incorporated by this Marine Order, the **Administration** is:
 - (a) for a regulated Australian vessel — AMSA; or
 - (b) for a foreign vessel — the Administration of the country where the vessel is registered.
- (2) If an expression used in this Marine Order is also used in a provision of an instrument (such as the Tonnage Convention) or other writing applied, adopted or incorporated by this Marine Order, the expression has the same meaning as in that instrument or other writing, unless the contrary intention appears.
- (3) A vessel is taken to have its keel laid when the lesser of 50 tonnes, or 1% of the estimated total mass of all structural material, of the vessel is assembled.
- (4) The unified interpretations of the Tonnage Convention, published by the IMO, are to be taken into account in complying with the requirements of the convention.

Note IMO circulars TM.5/Circ.6 and MSC.1/Circ.1546 are relevant.

6 Application

This Marine Order applies to:

- (a) a regulated Australian vessel; and
- (b) other than Divisions 2 and 4 — a foreign vessel; and
- (c) a vessel mentioned in section 16.

7 Exemptions — regulated Australian vessels

- (1) A requirement of this Marine Order does not apply in relation to a regulated Australian vessel if AMSA, under this section, exempts the vessel from the requirement.
- (2) An owner of a regulated Australian vessel may apply to AMSA, in accordance with the application process set out in *Marine Order 1 (Administration) 2013*, for an exemption of the vessel mentioned in regulation 1(3) of Annex I of the Tonnage Convention from a requirement of this Marine Order.

- (3) AMSA may exempt the vessel in accordance with regulation 1(3) of Annex I of the Tonnage Convention if satisfied that:
- (a) compliance with the requirement would be unreasonable or impracticable; and
 - (b) giving the exemption would not contravene the Tonnage Convention.

Note 1 Marine Order 1 (Administration) 2013 deals with the following matters about exemptions:

- 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.

Division 2 Certificates issued under the Navigation Act

8 Certificates required

- (1) A regulated Australian vessel to which the Tonnage Convention applies must have an International Tonnage Certificate (1969).
- (2) However, subsection (1) does not apply if:
 - (a) the vessel was previously registered in another Tonnage Convention country and has a certificate issued under Article 7 of the Tonnage Convention; and
 - (b) within the previous 3 months, the vessel transferred to the Australian General Shipping Register or the Australian International Shipping Register.

9 Applying for certificates

- (1) For subsection 154(1) of the Navigation Act (which enables a person to apply to an issuing body for a tonnage certificate specified in the regulations), an International Tonnage Certificate (1969) is specified.
- (2) Division 3 of *Marine Order 1 (Administration) 2013* (other than section 17) applies to an application to AMSA for a certificate mentioned in subsection (1).

Note Division 3 of *Marine Order 1 (Administration) 2013* prescribes some general rules about the making and determination of various kinds of applications. Section 17 of that Order provides for internal review of decisions about applications. That section does not apply to decisions about tonnage certificates because those decisions are reviewable under subsection 313(1) of the Navigation Act.

10 Criteria for the issue of International Tonnage Certificates

For paragraph 155(1)(b) of the Navigation Act, the criteria for issue of an International Tonnage Certificate (1969) are that:

- (a) the tonnage of the vessel has been determined in accordance with Annex I of the Tonnage Convention; and
- (b) for a vessel mentioned in regulation 5(3) of Annex I of the Tonnage Convention — more than 12 months has elapsed since the issue of an International Tonnage Certificate (1969).

11 Conditions of International Tonnage Certificates

For paragraph 155(2)(a) of the Navigation Act, an International Tonnage Certificate (1969) is subject to the condition that if the gross or net tonnage of the vessel is increased because its arrangement, construction, capacity, use of spaces, total number of passengers permitted to carry, assigned load line or permitted draught is altered, the owner must apply for the tonnage of the vessel to be re-determined.

12 Duration of certificates

An International Tonnage Certificate (1969) ceases to be in force:

- (a) in accordance with paragraph 2 of Article 10 of the Tonnage Convention; or
- (b) if the owner of the vessel is required to apply for re-determination of tonnage in accordance with section 11.

13 Criteria for the revocation of certificates

For section 157 of the Navigation Act, the criteria for revocation of an International Tonnage Certificate (1969) are that:

- (a) a condition of the certificate has been breached; or
- (b) the owner of the vessel asks in writing that the vessel's certificate be revoked.

Division 3 Requirements for foreign vessels

14 Requirements for foreign vessels to which the Tonnage Convention applies

- (1) A foreign vessel to which the Tonnage Convention applies must have an International Tonnage Certificate (1969).
- (2) A foreign vessel to which the Tonnage Convention applies must comply with the requirements of the Tonnage Convention that apply to the vessel.

Division 4 Gross tonnage measurement for certain regulated Australian vessels

15 Tonnage measurement in accordance with repealed regulations

Gross tonnage measured in accordance with the repealed regulations may be used:

- (a) for a regulated Australian vessel with keel laid before 1 January 1986 — to determine the application of requirements of SOLAS; or
- (b) for a regulated Australian vessel with keel laid before 18 July 1994 — to determine the requirements of regulation 3 of Chapter IV of SOLAS as in force before 1 February 1992; or
- (c) for a regulated Australian vessel with keel laid before 18 July 1994 — to determine the application of requirements of MARPOL.

Division 5 Other matters

16 Prescribed vessels

For paragraph 151(c) of the Navigation Act, the following are prescribed:

- (a) a domestic commercial vessel;
- (b) a recreational vessel with Australian nationality.

Note The owner of a vessel mentioned in this provision may apply for an International Tonnage Certificate (1969) in accordance with section 9.

Note

1. All legislative instruments and compilations of legislative instruments are registered on the Federal Register of Legislation under the *Legislation Act 2003*. See www.legislation.gov.au.