This compilation was prepared on 1 January 2011 taking into account amendments up to Marine Orders Part 49: High-speed craft, Issue 5 (Amendment) (Order No. 10 of 2010).

Prepared by the Australian Maritime Safety Authority, Canberra.
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1 Purpose and power

1.1 Purpose

This Part of Marine Orders gives effect to Chapter X of SOLAS, which deals with matters relating to high-speed craft.

1.2 Power

1.2.1 Section 190B of the Navigation Act provides for regulations to specify requirements with which the construction, hull, equipment and machinery of ships shall comply and to make provision for or in relation to the survey and inspection of ships, including the issue of certificates.

1.2.2 Section 191 of the Navigation Act provides that the regulations may make provision for and in relation to giving effect to SOLAS.

1.2.3 Subsection 425(1) of the Navigation Act provides for regulations to be made prescribing matters requiring or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

1.2.4 Subsection 425(1AA) of the Navigation Act provides that AMSA may make orders with respect to any matter for or in relation to which provision may be made by regulation.

2 Definitions of words and phrases used in this Part

1994 HSC Code means the International Code of Safety for High-Speed Craft adopted by IMO Resolution MSC.36(63), as amended by IMO Resolutions MSC.119(74), MSC.174(79), MSC.221(82) and MSC.259(84);

2000 HSC Code means the International Code of Safety for High-Speed Craft adopted by IMO Resolution MSC.97 (73) as amended by IMO Resolutions MSC.175 (79), MSC.222 (82), MSC.260 (84) and MSC.271 (85);

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

DSC Code means the Code of Safety for Dynamically Supported Craft adopted by IMO Resolution A.373 (X), as amended by IMO Resolutions MSC.37 (63), MSC.186 (79) and MSC.224 (82);

DSC Construction and Equipment Certificate means a certificate in the form appearing in Annex 1 of the DSC Code, incorporating a permit to operate in accordance with 1.6 of the DSC Code;

dynamically supported craft has the same meaning as in the DSC Code;

high-speed craft has:
(a) in respect of a craft to which the 1994 HSC Code applies — the same meaning as in that Code; and

(b) in respect of a craft to which the 2000 HSC Code applies — the same meaning as in that Code;

and, except where the context otherwise requires, includes a dynamically supported craft;

**General Manager** means the person occupying the position of General Manager, Maritime Operations Division, in AMSA;

**HSC Safety Certificate** means:

(a) in respect of a craft to which the 1994 HSC Code applies — a certificate in the form appearing in Annex 1 of the 1994 HSC Code, together with a permit to operate in accordance with Annex 2 of the 1994 HSC Code; and

(b) in respect of a craft to which the 2000 HSC Code applies — a certificate in the form appearing in Annex 1 of the 2000 HSC Code, together with a permit to operate in accordance with Annex 2 of the 2000 HSC Code;

**IMO** means the International Maritime Organization;

**Manager, Ship Inspections** 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;

**Navigation Act** means the *Navigation Act 1912*;

**penal provision** means a penal provision for the purposes of regulation 4 of the *Navigation (Orders) Regulations 1980*;

*Note* Subregulation 4 (1) 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 that is expressed to be a penal provision is guilty of an offence and is punishable by a fine not exceeding 50 penalty units. The maximum penalty that a court may impose on a body corporate that fails to comply with a penal provision is 250 penalty units.

**SOLAS** means the Safety Convention as defined in the Navigation Act.

*Note* Information on obtaining copies of IMO Resolutions or other documents referred to in this Part is available on AMSA’s website: [www.amsa.gov.au](http://www.amsa.gov.au) or via e-mail: international.relations@amsa.gov.au.

### 3 Interpretation

#### 3.1 A reference to the Administration in the DSC Code, the 1994 HSC Code or the 2000 HSC Code is to be read as a reference to the Manager, Ship Inspections.

#### 3.2 In this Part:

(a) headings and subheadings are part of the Part; and
(b) a note is not part of the Part, but may provide additional information or guidance in applying the Part.

4 Application

Unless the contrary intention appears, this Part applies to and in relation to:

(a) a ship to which the 2000 HSC Code applies, or would apply if the ship were engaged on international voyages, constructed on or after 1 July 2002; and

(b) a ship to which the 1994 HSC Code applies, or would apply if the ship were engaged on international voyages, constructed on or after 1 January 1996 but before 1 July 2002; and

(c) a ship, other than a ship referred to in (d), to which the DSC Code applies, or would apply if the ship were engaged on international voyages, constructed before 1 January 1996; and

(d) a ship registered in Australia and constructed before 1 January 1996 that meets the requirements of the 1994 HSC Code.

5 Exemptions and equivalents

5.1 Exemptions

The Manager, Ship Inspections, if satisfied that compliance with a provision of this Part would be unnecessary or unreasonable having regard to a ship or class of ships, its equipment and its intended voyage, may exempt that ship or class of ships from compliance with such provision to the extent specified and subject to such conditions as that officer thinks fit.

5.2 Equivalents

Where a provision of this Part requires a particular fitting, material, appliance or apparatus, or type thereof to be fitted or carried in a ship or a particular provision to be made in a ship, the Manager, Ship Inspections may allow any other fitting, material, appliance or apparatus, or type thereof, to be fitted or carried, or any other provision to be made, if that officer is satisfied that the other fitting, material, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by that provision of this Part.

5.3 Exemptions and equivalents not to contravene SOLAS

The Manager, Ship Inspections must not give an exemption under 5.1 or allow an equivalent under 5.2 if it would contravene SOLAS or the DSC Code, the 1994 HSC Code or the 2000 HSC Code as appropriate.

Note: Applications for exemptions or the allowance of equivalents should be made to the Manager, Ship Inspections and should be accompanied by relevant information. The Manager, Ship Inspections may seek additional information to assist in reaching a decision.
6 Review of decisions

6.1 Internal review

6.1.1 If the Manager, Ship Inspections, makes a decision under this Part, a person affected by the decision may, within 3 months of the date of notification of the decision or such longer period as determined by the General Manager, apply to the General Manager for review of that decision.

6.1.2 An application for internal review under 6.1.1 must be made in writing to the General Manager and must be accompanied by such information as the General Manager requires to enable that officer to make a proper decision.

6.1.3 The General Manager may:

(a) affirm the original decision by the Manager, Ship Inspections; or

(b) make any decision that could be made by the Manager, Ship Inspections in accordance with this Part.

6.1.4 The General Manager must notify his or her decision in writing to the applicant within 28 days of receiving the application for internal review.

6.2 Review by the AAT

6.2.1 Application may be made to the Administrative Appeals Tribunal for review of a decision by the General Manager under 6.1.3.

6.2.2 The notice under 6.1.4 must include:

(a) a statement to the effect that, if the person is dissatisfied with the decision, application may, subject to the Administrative Appeals Tribunal Act 1975, be made to the Administrative Appeals Tribunal for review of the decision; and

(b) a statement to the effect that the person may request a statement under section 28 of that Act.

6.2.3 Failure to comply with 6.2.2 in relation to a decision does not affect the validity of that decision.

7 Certificates

7.1 If application is made in accordance with Marine Orders Part 31 (Ship Surveys and Certification), an HSC Safety Certificate is to be issued to a high-speed craft that complies with the 1994 HSC Code or the 2000 HSC Code, as applicable.

7.2 If application is made in accordance with Marine Orders Part 31 (Ship Surveys and Certification), a DSC Construction and Equipment Certificate is to be issued to a high-speed craft that complies with the DSC Code.
7.3 For the purposes of subsection 194 (4) of the Navigation Act, the prescribed form of certificate of survey in respect of a craft referred to in 4 (a), 4 (b) and 4 (d) is an HSC Safety Certificate.

7.4 For the purposes of subsection 194 (4) of the Navigation Act, the prescribed form of certificate of survey in respect of a craft referred to in 4 (c) is a DSC Construction and Equipment Certificate.

7.5 For the purposes of Division 2C of Part IV of the Navigation Act, an HSC Safety Certificate is a certificate of survey appropriate to the voyage of a craft referred to in 4 (a), 4 (b) and 4 (d), provided that such voyage is in accordance with the permit to operate incorporated in the certificate.

7.6 For the purposes of Division 2C of Part IV of the Navigation Act, a DSC Construction and Equipment Certificate is a certificate of survey appropriate to the voyage of a craft referred to in 4 (c), provided that such voyage is in accordance with the permit to operate incorporated in the certificate.

7.7 The master of a high-speed craft must ensure that, at all times during a voyage:

(a) the craft is operated in accordance with the requirements of the 1994 HSC Code, the 2000 HSC Code or the DSC Code, as applicable to that craft; and

(b) the conditions of the permit to operate incorporated in the certificate of survey applicable to the craft and of any exemption granted to the craft and applicable to the voyage are complied with.

This is a penal provision.

7.8 For the purposes of subsection 195 (1) of the Navigation Act, the prescribed period for which an HSC Safety Certificate remains in force is 5 years.

7.9 For the purposes of subsection 195 (1) of the Navigation Act, the prescribed period for which a DSC Construction and Equipment Certificate remains in force is 1 year.

8 Performance standards

Systems and equipment fitted to high-speed craft must comply with the IMO Resolutions listed in the relevant Code.

* * *
Notes to Marine Orders Part 49: High-speed craft, Issue 5

Note 1
Marine Orders Part 49: High-speed craft, Issue 5 (in force under the *Navigation Act 1912*) as shown in this compilation comprise Order No. 6 of 2009 amended as indicated in the Tables below.

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Table Of Amendments
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