



Australian Government
Australian Maritime Safety Authority

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Marine Order 507 (Load line certificates — national law) 2018

I, Gary Prosser, Acting Chief Executive Officer of the Australian Maritime Safety Authority, (the National Marine Safety Regulator under section 9 of the *Marine Safety (Domestic Commercial Vessel) National Law*), make this Order under subsection 163(1) of the *Marine Safety (Domestic Commercial Vessel) National Law*.

7 June 2018

Gary Prosser
Acting Chief Executive Officer

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Division 1 Preliminary

1 Name of Order

This Order is *Marine Order 507 (Load line certificates — national law) 2018*.

1A Commencement

This Order commences on 1 July 2018.

1B Repeal of *Marine Order 507 (Load line certificates — national law) 2013*

Marine Order 507 (Load line certificates — national law) 2013 is repealed.

2 Purpose

This Order gives effect to the Load Lines Convention, particularly in relation to certificates for the Load Lines Convention.

3 Application of Order

This Order applies to a domestic commercial vessel that:

- (a) is at least 24 m load line length, as defined by the Load Lines Convention; and
- (b) is not:
 - (i) a fishing vessel; or
 - (ii) a Class 1D or Class 1E vessel that is operated to carry passengers only; or
 - (iii) a Class 2D or Class 2E vessel that is operated to carry passengers only.

Note A vessel to which this order applies must obtain and maintain a load line certificate in order to comply with Marine Order 503.

Division 2 Issue of certificates

4 Application for a load line certificate

An application for a load line certificate for a vessel must be in accordance with Marine Order 501.

Note 1 An application must be in the approved form — see subparagraph 9(a)(i) of Marine Order 501.

Note 2 Giving false or misleading information in an application is an offence — see section 136.1 of the Criminal Code.

5 Issue of load line certificate

The National Regulator must issue a load line certificate for a vessel if:

- (a) an application has been made under section 4; and
- (b) the vessel has completed an initial or renewal survey in accordance with Chapter 6 of Part 2 of the National Law — Marine Surveyors Accreditation Guidance Manual 2014; and
- (c) the National Regulator is satisfied that the vessel complies with the Load Lines Convention or Section 7 of the USL Code; and

(d) any fees for the application have been paid.

Note A decision in relation to an application is reviewable in accordance with the review process mentioned in Marine Order 501.

6 Renewal of certificate

- (1) The National Regulator may renew a load line certificate if:
 - (a) the application for renewal of a load line certificate has been made in the approved form and accompanied by the prescribed fee; and
 - (b) the vessel has had a load line certificate in force within the 2 year period before the application for the renewal of a load line certificate; and
 - (c) the vessel has not had a change mentioned in Schedule 1 of Marine Order 503; and
 - (d) the vessel has completed a renewal survey, either:
 - (i) for a vessel that has a load line certificate — within the 6 month period before the vessel's load line certificate ceases to be in force; and
 - (ii) for a vessel that does not have a load line certificate in force — within the 6 months period before application for a load line certificate; and
 - (e) the vessel meets the criteria specified in section 5 for the issue of a certificate.
- (2) A decision to refuse to renew a load line certificate is a reviewable decision for sections 16 and 17 of Marine Order 501.

7 Conditions

- (1) A load line certificate is subject to the following conditions:
 - (a) the master of the vessel must ensure that the following documents are kept on board the vessel or, where it is impractical to keep the documents on board due to the structure of the vessel, made available on request of a marine safety inspector or the National Regulator:
 - (i) the conditions of assignment of load lines in the approved form;
 - (ii) stability and loading information in accordance with NSCV Section C6 or Section 7 of the USL Code;
 - (b) the fittings and appliances mentioned in paragraph (1)(c) of Article 14 of the Load Lines Convention must be maintained in effective condition;
 - (c) deck line and load line marks are correctly and permanently displayed on the vessel in accordance with the load line certificate;
 - (d) the vessel must be periodically surveyed in accordance with the requirements of Chapter 6 of Part 2 of the National Law — Marine Surveyors Accreditation Guidance Manual 2014;
 - (e) if a vessel has a certificate of survey, the periodic survey mentioned in paragraph (d) must occur according to the same frequency as the periodic survey for the vessel's certificate of survey under Marine Order 503;

- (f) if a vessel does not have a certificate of survey, the periodic survey mentioned in paragraph (d) must occur according to the frequency that a periodic survey would be required for a certificate of survey under Marine Order 503 if the vessel was required to have a certificate of survey;
 - (g) the National Regulator must be told if there is to be any change to the structure, arrangements, material or scantlings;
 - (h) the vessel may operate after any change mentioned in paragraph (g) only if the change is approved by the National Regulator.
- Note for paragraphs (e) and (f)* The frequency of periodic survey required for a certificate of survey for a vessel varies depending on whether the vessel is high, medium or low risk — see Marine Order 503.
- (2) The National Regulator may impose further conditions on the certificate.
 - (3) The further conditions may include the following conditions:
 - (a) the National Regulator may, by written notice given personally to the owner or master of the vessel, direct that the vessel must be loaded so that it leaves unsubmerged at least a specified extent of its hull;
 - (b) the owner or master of a vessel to whom the notice is given must not allow the vessel to be loaded in contravention of the notice.
 - (4) The further conditions must be included on the certificate.

8 Duration of certificate

A load line certificate expires on the earlier of:

- (a) the day 5 years after it is issued; or
- (b) the date stated on the certificate.

Division 3 Variation, suspension and revocation of certificate

9 Application for variation, suspension or revocation of certificate

An application for variation, suspension or revocation of a load line certificate must be made by the owner of the vessel in the approved form and be accompanied by any prescribed fee.

10 Criteria for variation of certificate

- (1) The National Regulator may vary a load line certificate on application if:
 - (a) the owner of the vessel has changed; or
 - (b) the name of the vessel has changed; or
 - (c) information in the certificate is no longer accurate; or
 - (d) the vessel has been altered (other than a change mentioned in schedule 1 of Marine Order 503), damaged or sold.
- (2) The National Regulator may vary a load line certificate on the National Regulator's own initiative if:
 - (a) the owner of the vessel has changed; or
 - (b) the name of the vessel has changed; or
 - (c) the National Regulator considers that any of the information mentioned in the certificate is no longer accurate; or

- (d) the National Regulator becomes aware that a vessel to which the certificate applies has been altered (other than a change mentioned in schedule 1 of Marine Order 503), damaged or sold; or
- (e) the variation is a change in conditions imposed on the certificate under subsection 7(2).

11 Suspension of certificate

- (1) The National Regulator must suspend a load line certificate on application if any fees relating to the certificate have been paid.

Note An application by the owner for a suspension of a certificate must be in accordance with section 9.

- (2) The National Regulator must suspend a load line certificate on the National Regulator's own initiative if the National Regulator is satisfied that the suspension is necessary for any of the following purposes:
 - (a) ensuring any unpaid fees are recovered;
 - (b) ensuring necessary repairs are made to the vessel;
 - (c) the National Regulator considers it to be necessary in the interest of marine safety or protecting the environment.

Note Suspension of a load line certificate does not extend the duration of the certificate.

12 Criteria for revocation of certificate

- (1) The National Regulator must revoke a load line certificate on application if any fees relating to the certificate have been paid.
- (2) The National Regulator must revoke a load line certificate on the National Regulator's own initiative if:
 - (a) the National Regulator considers it to be necessary in the interest of marine safety or protecting the environment; or
 - (b) the certificate was issued in error.

Division 4 Offences

13 Breach of condition of certificate (master)

- (1) The master of a domestic commercial vessel commits an offence if:
 - (a) there is a load line certificate in force for the vessel; and
 - (b) the master operates the vessel, or causes or permits the vessel to be operated; and
 - (c) the operation of the vessel is in breach of a condition of a load line certificate (whether the condition is mentioned in section 7 or in the certificate).

Penalty: 50 penalty units.

Note For the burden of proving certain matters — see section 157 of the national law.

- (2) An offence against subsection (1) is an offence of strict liability.
- (3) The master is liable to a civil penalty if the master contravenes subsection (1).

Civil penalty: 50 penalty units.

14 Breach of condition of certificate (owner)

- (1) The owner of a domestic commercial vessel commits an offence if:
- (a) there is a load line certificate in force for the vessel; and
 - (b) the owner operates the vessel, or causes or permits the vessel to be operated; and
 - (c) the operation of the vessel is in breach of a condition of a load line certificate (whether the condition is mentioned in section 7 or in the certificate).

Penalty: 50 penalty units.

Note For the burden of proving certain matters — see section 157 of the national law.

- (2) An offence against subsection (1) is an offence of strict liability.
- (3) The owner is liable to a civil penalty if the owner contravenes subsection (1).

Civil penalty: 50 penalty units.

15 Operation of vessel in certain circumstances (master)

- (1) The master of a domestic commercial vessel commits an offence if:
- (a) this Order applies to the vessel; and
 - (b) either:
 - (i) there is a certificate of survey in force for the vessel; or
 - (ii) the vessel is exempt under section 143 of the national law from the requirement to have a certificate of survey subject to the condition that there is a load line certificate in force for the vessel; and
 - (c) the master causes or permits the vessel to be operated:
 - (i) without a load line certificate being in force for the vessel; or
 - (ii) without the vessel displaying the load line mark, or any associated mark, specified in the load line certificate; or
 - (iii) so that the load line mark, or any associated mark, specified in the load line certificate is submerged by water; and
 - (d) an exemption under section 143 of the national law for operation of the vessel in that way is not in force.

Penalty: 50 penalty units.

Note For the burden of proving certain matters — see section 157 of the national law.

- (2) An offence against subsection (1) is an offence of strict liability.
- (3) The master is liable to a civil penalty if the master contravenes subsection (1).

Civil penalty: 500 penalty units.

- (4) It is a defence to a prosecution for an offence for which the physical element mentioned in subparagraph (1)(c)(iii) relates to the associated mark if the defendant proves that had the vessel been floating without a list in still water of the kind for which the associated mark is appropriate, the associated mark would not have been submerged.
- (5) It is a defence to a prosecution for an offence for which the physical element mentioned in subparagraph (1)(c)(iii) relates to the load line

mark if the defendant proves that had the vessel been floating without a list in still salt water with a specific gravity of 1.025, the load line mark would not have been submerged.

16 Operation of vessel in certain circumstances (owner)

- (1) The owner of a domestic commercial vessel commits an offence if:
- (a) this Order applies to the vessel; and
 - (b) either:
 - (i) there is a certificate of survey in force for the vessel; or
 - (ii) the vessel is exempt under section 143 of the national law from the requirement to have a certificate of survey subject to the condition that there is a load line certificate in force for the vessel; and
 - (c) the owner causes or permits the vessel to be operated:
 - (i) without a load line certificate being in force for the vessel; or
 - (ii) without the vessel displaying the load line mark, or any associated mark, specified in the load line certificate; or
 - (iii) so that the load line mark, or any associated mark, specified in the load line certificate is submerged by water; and
 - (d) an exemption under section 143 of the national law for operation of the vessel in that way is not in force.

Penalty: 50 penalty units.

Note For the burden of proving certain matters — see section 157 of the national law.

- (2) An offence against subsection (1) is an offence of strict liability.
- (3) The owner is liable to a civil penalty if the owner contravenes subsection (1).
- Civil penalty: 500 penalty units.
- (4) It is a defence to a prosecution for an offence involving a physical element mentioned in subparagraph (1)(c)(ii) if the owner of the vessel proves that the owner had caused a copy of the mark to be displayed and had no means of knowing that it was no longer displayed.
- (5) It is a defence to a prosecution for an offence for which the physical element mentioned in subparagraph (1)(c)(iii) relates to the associated mark if the defendant proves that, had the vessel been floating without a list in still water of the kind for which the associated mark is appropriate, the associated mark would not have been submerged.
- (6) It is a defence to a prosecution for an offence for which the physical element mentioned in subparagraph (1)(c)(iii) relates to the load line mark if the defendant proves that, had the vessel been floating without a list in still salt water with a specific gravity of 1.025, the load line mark would not have been submerged.

Division 5 Definitions and transitional

17 Definitions and interpretation

(1) In this Order:

initial survey means an initial load line survey completed in accordance with Part 2 of the *National Law – Marine Surveyors Accreditation Guidance Manual 2014*.

load line certificate means a certificate issued under section 5 of this Order or under section 8 of *Marine Order 507 (Load line certificates — national law) 2013*.

Marine Order 501 means *Marine Order 501 (Administration — national law) 2013*.

Marine Order 503 means *Marine Order 503 (Certificates of survey — national law) 2018*.

National Law – Marine Surveyors Accreditation Guidance Manual 2014 means the National Law – Marine Surveyors Accreditation Guidance Manual 2014 that is published by AMSA.

periodic survey means a periodic load line survey completed in accordance with Part 2 of the National Law – Marine Surveyors Accreditation Guidance Manual 2014.

renewal survey means a renewal load line survey completed in accordance with Part 2 of the *National Law – Marine Surveyors Accreditation Guidance Manual 2014*.

Note 1 Some terms used in this Order are defined in Marine Order 501, including:

- approved form
- Load Lines Convention
- national law
- NSCV
- USL Code.

Note 2 Other terms used in this Order have the same meaning that they have in the national law, including:

- domestic commercial vessel
- marine safety inspector
- master
- National Regulator
- owner.

(2) Unless the contrary intention appears, mention in this Order of any of the following instruments means the instrument existing from time to time:

- (a) National Law – Marine Surveyors Accreditation Guidance Manual 2014;
- (b) NSCV;
- (c) USL Code;
- (d) Load Lines Convention.

Note These instruments are available from AMSA's website at <http://www.amsa.gov.au>.

18 Transitional

- (1) This section applies to an application for the issue, variation, suspension or revocation of a load line certificate made on, or before 30 June 2018, that is not decided before 1 July 2018.
- (2) The application is taken to be an application for this Order.
- (3) However, the National Regulator may consider the application in accordance with the criteria set out in *Marine Order 507 (Load line certificates — national law) 2013* as if that Order had not been repealed.

Note

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