



Shipping Registration Amendment Regulation 2012 (No. 1)¹

Select Legislative Instrument 2012 No. 17

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Shipping Registration Act 1981*.

Dated 22 February 2012

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

ANTHONY ALBANESE
Minister for Infrastructure and Transport

1 Name of regulation

This regulation is the *Shipping Registration Amendment Regulation 2012 (No. 1)*.

2 Commencement

This regulation commences on the day after it is registered.

3 Amendment of *Shipping Registration Regulations 1981*

Schedule 1 amends the *Shipping Registration Regulations 1981*.

Schedule 1 Amendments

(section 3)

[1] Regulation 4

omit

shall be satisfied

insert

is satisfied

[2] Subparagraph 5 (a) (ii)

omit

, a mortgage instrument

[3] Subregulation 6 (2)

omit

shall be deemed

insert

is taken

[4] Subregulation 7 (8)

substitute

- (8) If an applicant for registration is unable to produce a document for the purposes of subparagraph (1) (b) (i) or (ii) (other than a statutory declaration), the applicant may provide a statutory declaration setting out the description of the ship, or the history of the ownership of the ship, to satisfy subregulation (5) or (6) in relation to the description or ownership of a ship.

[5] Subregulation 7 (9)

omit

those requirements shall, for the purposes of subparagraph (1) (b) (ii), be taken to be satisfied in relation to that ship by:

insert

those requirements are, for subparagraph (1) (b) (ii), taken to be satisfied for that ship by:

[6] Subregulation 7 (10)

omit

shall not be taken

insert

are not to be taken

[7] Paragraph 9 (d)

omit

shall

[8] Subparagraph 11 (1) (j) (ii)

omit

or register

[9] Subregulation 11 (2)*omit*

shall be the number

insert

is the number

**[10] Sub-subparagraph 15 (2) (a) (ix) (B) and
subparagraph 17 (1) (h) (ii)***omit*

register tonnage

insert

net tonnage

[11] Subregulation 19 (2)*omit***[12] Subregulation 19 (2A)***omit*

or (2)

[13] Subregulation 19 (3)*omit*

subregulations (1) and (2)

insert

subregulation (1)

[14] Subparagraph 19 (3) (a) (ii)*omit*

or subregulation (2),

[15] Paragraph 20 (3) (b)

substitute

(b) either:

- (i) the letters 'N.T.' followed by the net tonnage of the ship as shown on its tonnage certificate; or
- (ii) if the ship is not a ship to which subsection 16 (1) of the Act applies — the letters 'L.O.A.' followed by the length of the ship in metres taken to 2 decimal places;

[16] Subparagraph 23 (1) (a) (v)

omit

[17] Regulations 25 to 28AA

omit

[18] Subregulation 28A (1)

omit

section 47A

insert

subsection 47A (1)

[19] Paragraph 31 (2) (g)

substitute

- (g) the gross tonnage and net tonnage of the ship as altered, estimated by the builder or installer who did the alterations if:
- (i) the particulars on the tonnage certificate for the ship are no longer correct as a result of the alterations or because of subsection 16 (1) of the Act applies to the ship; and
 - (ii) a tonnage certificate is not in force in relation to the ship as altered.

[20] Subregulation 31 (5)*omit*

subsection 65 (1)

insert

paragraph 65 (1) (d)

[21] Subregulation 31 (7)*omit*

he shall

insert

the proper officer must

[22] Subregulation 31 (8)*substitute*

- (8) If a ship is altered so that its net tonnage in the Register is incorrect, the inscription mentioned in paragraph 20 (1) (c) must be changed to the correct net tonnage of the ship before the Registrar alters the net tonnage in the Register under paragraph 65 (1) (e) or subsection 65 (6) of the Act.

[23] Subregulation 33 (4)*omit*

he shall

insert

the Registrar must

[24] Subregulation 33 (4)*omit*

, subject to subregulation (5),

[25] Subregulation 33 (5)*omit*

[26] Subregulation 35 (2)

substitute

- (2) The ports in Australia that were, immediately before the commencement of the Act, ports of registry under the previous law, are taken to be ports approved by the Authority under subregulation (1) until the publication of a notice under that subregulation.

[27] Paragraph 37 (4) (b)

omit

shall not affect the validity

insert

does not affect the validity

[28] Subregulation 39 (1)

omit

him,

insert

the Registrar,

[29] Subregulation 40 (1)

omit

lodged with him or produced to him

insert

lodged with or provided to the Registrar

[30] Paragraph 40 (1) (b)

substitute

- (b) require the submission of further documents or information in support of, or in substitution for, a document, or information, referred to in paragraph (a); and

[31] Schedule 2, Form 2*substitute***Form 2 Registration certificate**

(regulation 12)

 AUSTRALIA	REGISTRATION CERTIFICATE <i>Shipping Registration Act 1981</i> <i>Section 19</i>
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Official Number	Name of Ship
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General Particulars

Home Port	Call Sign	Year of Registration	Year of Completion
Type	Build	Stem	Stern
Rigging	No. of Decks	No. of Bulkheads	No. of Masts
Principal Material of Construction	Length	Maximum Breadth	Moulded Depth Amidships
Brake Power	Indicated Power	Shaft Power	Estimated Speed
Place of Construction			

Particulars of Propulsion

Method of Propulsion	Power Transmission
No. and Type of Boilers	
No. and Type of Engines	

Particulars of Tonnage

Type of Tonnage Certificate	
Gross Tonnage	Net Tonnage
Alternative Tonnage	

Certification

I,, certify that the ship described in this certificate is registered under the *Shipping Registration Act 1981* and that the particulars in this certificate accord with the entry in the Register for the ship.



Particulars of Registered Agent

Name of Registered Agent	Address
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Particulars of Ownership

No. of Shares	Name of the Owner	Address	Nationality
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Endorsement of Master

Name of Master	Address	No. of Certificate of Competency (if applicable)	Date and Signature of delegate of the Registrar
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[32] Schedule 2, Form 3*substitute***Form 3 Provisional registration certificate**

(subregulations 14 (2), 15 (1) and 31 (5))

 AUSTRALIA	PROVISIONAL REGISTRATION CERTIFICATE <i>Shipping Registration Act 1981</i> <i>Subsection 21 (2) or (7), 22 (1) or (6), 22A (1), (2) or (6) or 65 (1)</i>
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Official Number	Name of Ship
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General Particulars

Home Port	Call Sign	Year of Registration	Year of Completion
Type	Build	Stem	Stern
Rigging	No. of Decks	No. of Bulkheads	No. of Masts
Principal Material of Construction	Length	Maximum Breadth	Moulded Depth Amidships
Brake Power	Indicated Power	Shaft Power	Estimated Speed
Place of Construction			

Particulars of Propulsion

Method of Propulsion	Power Transmission
No. and Type of Boilers	
No. and Type of Engines	

Particulars of Tonnage

Type of Tonnage Certificate	
Gross Tonnage	Net Tonnage
Alternative Tonnage	

Certification

I,, grant this Provisional Registration Certificate for the ship described above under the *Shipping Registration Act 1981* to



This certificate is valid for six months or until the ship reaches an Australian port, whichever happens sooner.

[33] Schedule 2, Form 4*substitute***Form 4 Temporary pass**

(subregulation 17 (6))

	TEMPORARY PASS <i>Shipping Registration Act 1981</i> <i>Section 23</i>
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Particulars of Ship

Name or, if unnamed, Builder's Identification of Ship	
Name and Address of Builder(s)	
Year of Completion	Type
Length	Principal Material of Construction
Method of Propulsion	
Type of Tonnage Certificate	
Gross Tonnage	Net Tonnage
Alternative Tonnage	

Particulars of Voyage

Port of Commencement of Voyage	Port of Destination
Purpose of Voyage	

Period of Validity

Commencing Date	Terminating Date
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Certification

I,, on the direction of the Australian Maritime Safety Authority under subsection 23(1) of the *Shipping Registration Act 1981*, grant a temporary pass to the ship described above for the voyage and period mentioned, to:



A temporary pass has, subject to the matters mentioned in the pass, the same effect as a Registration Certificate. For the purposes of the Act and the legal navigation of the ship on the voyage mentioned above, the ship is taken to be registered

[34] Schedule 2, Form 5
substitute

Form 5 Caveat
(subregulation 28A (1))

 Australian Government Australian Maritime Safety Authority CAVEAT <i>Shipping Registration Act 1981</i> Subsection 47A (1)	
Registrar of Ships	
Take notice that ¹ of ² claiming the interest described below in ³ the official number of the ship is forbids the entry in the Register of any instrument relating to any dealing with the ship or share. The interest claimed in the ship or share is ⁴ 	¹ Full name of caveator in block letters ² Address of caveator in block letters ³ Description sufficient to identify the ship and, if appropriate, the share in the ship in which the caveator claims the interest ⁴ Description sufficient to identify interest claimed by caveator

The address where notice relating to this caveat or proceedings in relation to this caveat may be served is ⁵ Dated at on the day of20 . Signed by ⁶ ⁷ ⁸ ⁹ in the presence of: ¹⁰ ¹¹ The information requested in this form is required by the <i>Shipping Registration Act 1981</i>. It will be used for the purposes of the Act and will be available for search on the Register by the public. It may be made available to government agencies for statistical and administrative purposes.	⁵ Specify address within Australia ⁶ Full name of caveator solicitor or agent ⁷ If signed by solicitor or agent, statement to that effect ⁸ Office address of solicitor or residential address of agent ⁹ Signature ¹⁰ Legible statement of name and address of witness ¹¹ Signature
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[35] Schedule 2, Form 6
substitute

Form 6 Caveat
(subregulation 28A (2))

 Australian Government Australian Maritime Safety Authority	NOTICE OF CHANGE OF NAME OF CAVEATOR OR OF ADDRESS FOR SERVICE <i>Shipping Registration Act 1981</i> Subsection 47A (4)
Registrar of Ships	
I ¹ of ² being a person entitled under subsection 47A(6) of the <i>Shipping Registration Act 1981</i> to withdraw the caveat entered in the Register on ³ in relation to the ship ⁴ give notice as follows: Name of caveator as mentioned in caveat: Name as changed: The address for service of notices as mentioned in Caveat: Address as changed:⁵ Date of change:	¹ Full name of person giving notice in block letters ² Address in block letters ³ Date ⁴ Name and official number of ship ⁵ Specify address within Australia

NOTE: Under subsection 47A(6) of the <i>Shipping Registration Act 1981</i>, a caveat may be withdrawn: (a) by the caveator or by a solicitor or agent of the caveator if the solicitor or agent is authorised to withdraw it; (b) if the caveator is dead— by the executor of the will or administrator of the estate of the caveator; (c) by a trustee or official receiver or other person in whom the interest claimed by the caveator is vested under the <i>Bankruptcy Act 1966</i>; or (d) by any person who is entrusted, by reason of the mental incapacity of the caveator, under an order of a court of a State or Territory or under a law of a State or Territory, with the management and care of the interest claimed by the caveator. Dated at on the day of20 . Signed by ⁶ ⁷ ⁸ ⁹ in the presence of: ¹⁰ ¹¹ The information requested in this form is required by the <i>Shipping Registration Act 1981</i>. It will be used for the purposes of the Act and will be available for search on the Register by the public. It may be made available to government agencies for statistical and administrative purposes.	⁶ Full name of caveator solicitor or agent ⁷ If signed by solicitor or agent, statement to that effect ⁸ Office address of solicitor or residential address of agent ⁹ Signature ¹⁰ Legible statement of name and address of witness ¹¹ Signature
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[36] Further Amendments

<i>Provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subregulations 2 (2), 3 (1), 3 (2), 7 (4), 8 (3), 15 (3), 17 (3), 22 (5)	shall be taken	is taken
Subregulations 2 (4) and 7 (7)	shall be read	is read
Subregulations 3 (2) and 3 (5), paragraphs 3 (5) (a) and 3 (5) (b), subregulation 3 (6), subregulations 6A (2), 7 (1), 7 (2), 7 (3) and 8 (1), paragraph 8 (2) (b), regulations 9 and 12, subregulations 13 (3), 14 (1), 14 (2), 14 (3), 14 (4), 14 (5), 15 (1), 15 (2), and 15 (4), regulation 16, subregulations 17 (1), 17 (2), 17 (4), 17 (5), 17 (6), 17 (7), 17 (8), 19 (1), 19 (4) and 20 (1), paragraphs 20 (1) (a), 20 (1) (b) and 20 (1) (c), subregulation 20 (2), paragraphs 20 (2) (a), 20 (2) (b) and 20 (2) (c), subregulations 20 (3), 20 (4), 21 (1), 22 (1), 22 (2), 22 (3), 22 (4) and 22 (6), paragraphs 22 (6) (a) and 22 (6) (b), subregulations 22 (7), 22 (8), 23 (1), 23 (2), 23 (3), 24 (2), 28A (1), 28A (2) and 31 (2), paragraph 31 (3) (b), subregulations 31 (4), 31 (5), 31 (6), 32 (1), 32 (2) and 33 (2), paragraphs 33 (2) (a) and 33 (2) (b), subregulations 33 (3), 33 (4), 35 (1), 35 (4), 35 (4A), 35 (5), 36 (1), 36 (2) and 37 (3), paragraphs 39 (2) (a), 39 (2) (b) and 39 (2) (c), and subregulation 40 (2)	shall	must

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See comlaw.gov.au.