



Shipping Registration Amendment Regulation 2012 (No. 2)¹

Select Legislative Instrument 2012 No. 158

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 28 June 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. 2)*.

2 Commencement

This regulation commences on 1 July 2012.

3 Amendment of *Shipping Registration Regulations 1981*

Schedule 1 amends the *Shipping Registration Regulations 1981*.

Schedule 1 Amendments

(section 3)

[1] Before regulation 1

insert

Part 1 Preliminary

[2] Subregulation 2 (1)

insert

builder's certificate means a certificate that complies with regulation 8.

[3] Subregulation 2 (1)

insert

declaration of ownership and nationality means a declaration that complies with regulation 9.

[4] Subregulation 2 (1)

insert

overseas registration certificate means a document corresponding to a registration certificate that is issued under an overseas registration law.

[5] Subregulation 2 (1)

insert

overseas registration law means the provisions of the law of a foreign country relating to the registration of ships in that country.

[6] After subregulation 2 (2)

insert

(3) In this regulation:

- (a) a reference to a ship being registered in Australia is a reference to the ship being registered under the Act; and
- (b) a reference to a ship being registered overseas is a reference to the ship being registered under an overseas registration law.

[7] Regulation 7

substitute

Part 2 Registration of ships

Division 1 Registration

7AA What this Division applies to

This Division applies to an application to register a ship in:

- (a) the General Register under section 15 of the Act; or
- (b) the International Register under section 15C of the Act.

7 Application for registration

- (1) An application to register a ship is made by lodging a written application that is signed by the ship's owner with the Registrar.
- (2) The application must state the following information:
 - (a) the type of the ship (in terms of its purpose);
 - (b) the method of propelling the ship;
 - (c) the overall length of the ship;
 - (d) the principal material used in constructing the hull of the ship;
 - (e) 3 proposed names for the ship, in order of preference of the names;
 - (f) the proposed home port of the ship;
 - (g) the International Maritime Organization (IMO) number of the ship;
 - (h) if the ship has been registered in Australia or overseas:
 - (i) the year in which the ship was last registered; and
 - (ii) the register on which the ship was registered; and
 - (iii) the official number of the ship; and
 - (iv) the registered name of the ship; and
 - (v) the home port, or port of registry, of the ship;
 - (i) if the ship has not been registered in Australia:
 - (i) the name of the builder of the ship; and
 - (ii) the place where the ship was built; and
 - (iii) the builder's identification of the ship or the name (if any) by which the ship is known.
- (3) If the ship's owner cannot supply all the information required under paragraph (2) (h) or (i), the application must state:
 - (a) the nature of the information that the ship's owner cannot supply; and
 - (b) the reasons why the ship's owner cannot supply the information.

7A Application for registration—supporting documents

- (1) An applicant for registration must lodge the following documents with the Registrar:
- (a) a written notice stating the name and address of the person who is to be the registered agent of the ship, that is signed by:
 - (i) the ship's owner; and
 - (ii) if the owner is not to be the registered agent—the person who is to be the registered agent;
 - (b) evidence in accordance with regulation 20 that the ship has been marked in accordance with that regulation with marks directed by the Registrar under subsection 26 (1) of the Act;
 - (c) if the registration of the ship depends on the ship being a ship on demise charter to an Australian based operator—a copy of the charter party;
 - (d) a certificate relating to the tonnage measurement of the ship issued under, or otherwise having effect because of, the Navigation Act;
 - (e) the identification document (see regulation 7B);
 - (f) the ownership documents (see regulation 7C);
 - (g) a declaration of ownership and nationality (see regulation 9);
 - (h) if the ship is registered in the General Register—a statement by the applicant that the applicant agrees to the ship being deregistered from the General Register if the Registrar decides to register the ship in the International Register;
 - (i) if the ship is registered in the International Register—a statement by the applicant that the applicant agrees to the ship being deregistered from the International Register if the Registrar decides to register the ship in the General Register;
 - (j) for an application for registration on the International Register:
 - (i) the ship's port state control inspection records for the last 5 years; and

- (ii) the ship's classification society records for the last 5 years; and
 - (iii) a statutory declaration by the ship's owner or registered agent that states that the ship will be predominantly used to engage in international trading; and
 - (iv) evidence that a collective agreement has been made between the owner of the ship and the ship's seafarers' bargaining unit under section 11A of the Act; and
 - (v) evidence of the existence of a policy of insurance or indemnity that is required by subsection 61AM (1) of the Act; and
 - (vi) a statutory declaration by the ship's owner or registered agent that states that the conditions of registration in section 33A of the Act have been met; and
 - (vii) if the ship's owner is a company—the Australian Company Number for the ship's owner.
- (2) Also, the applicant must produce to the Registrar, for noting, the licence or other document (if any) authorizing the use of a call sign in relation to the ship.
- (3) The applicant must comply with this regulation within 6 months after lodging the application for registration, or the Registrar may refuse the application.

7B Application for registration—identification document

- (1) This regulation defines the identification document for an application for registration of a ship.
- (2) If the ship has been registered in Australia, the identification document is a statutory declaration by a person who knows the facts of the matter that specifies the way (if any) in which the ship differs from the description that appeared in the Register immediately before the ship last ceased to be registered.

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- (3) If the ship has been registered overseas, the identification document is:
- (a) if the overseas registration certificate contains the information about the ship that is stated in a builder's certificate—the overseas registration certificate; or
 - (b) if the overseas registration certificate does not contain that information, or if any of the information in the certificate is incorrect—a statutory declaration by a person who knows the facts of the matter that sets out the information or the correct information.
- (4) If the ship has never been registered, the identification document is:
- (a) a builder's certificate; or
 - (b) if the ship's owner or registered agent, after taking all reasonable action, cannot obtain a builder's certificate—a statutory declaration by a person who knows the facts of the matter that states the following:
 - (i) the information referred to in subregulation 7 (2);
 - (ii) as much of the information stated in a builder's certificate that is known to the person;
 - (iii) the grounds on which that person asserts the truth of the matters stated under subparagraphs (i) and (ii).

7C Application for registration—ownership document

- (1) This regulation defines the ownership document for an application for registration.
- (2) If the ship has been registered in Australia, the ownership document is the transfer documents for any change in the ownership of the ship from the ownership that appeared in the Register, immediately before the ship last ceased to be registered.
- (3) If the ship has been registered overseas, the ownership document is any document that is evidence of title to the ship under the overseas registration law.

- (4) If the ship has never been registered, the ownership document is:
 - (a) a builder's certificate and the transfer documents for any change in ownership of the ship (whether occurring before or after the date of the builder's certificate); or
 - (b) if those documents are unavailable and the ship was built, and acquired by the owner, outside Australia—the document by which the ship's owner acquired ownership of the ship.
- (5) If the owner, after taking all reasonable action, cannot obtain a document mentioned in subregulation (2), (3) or (4), the ownership document is:
 - (a) a statutory declaration by the applicant that gives the history of the ownership of the ship; or
 - (b) both of the following documents:
 - (i) a statutory declaration by the applicant stating that the applicant believes that the person who is named in the application as the ship's owner is lawfully entitled to the ownership of the ship and stating the grounds for that belief; and
 - (ii) evidence that, at least 30 days before the application was lodged with the Registrar, a notice of intention to apply for the registration of the ship was published in the *Gazette* in accordance with Form 1.
- (6) In this regulation:
 - transfer documents*** means:
 - (a) a bill of sale or another document transferring ownership of the ship, signed by each transferor, that states:
 - (i) the name of the ship; and
 - (ii) the nature and extent of the interest in the ship to which the bill of sale or document relates; and
 - (iii) the name and address of each transferor and transferee; or
 - (b) a document, of a kind mentioned in subregulation 24 (1), that evidences change of ownership.

[8] Regulation 9

omit

For the purposes of subparagraph 7 (1) (b) (iv), a

insert

A

[9] Subregulation 11 (1)

omit

the purposes of section 18

insert

subsection 15E (1) or 15F (1)

[10] Regulation 12

substitute

Division 2 Registration certificates

12 Grant of registration certificate

A registration certificate granted under section 19 of the Act must be in accordance with:

- (a) for a ship registered in the General Register—Form 2; or
- (b) for a ship registered in the International Register—Form 2A.

[11] Subregulation 14 (2)

substitute

- (2) A provisional registration certificate granted under subsection 21 (2) or (7) of the Act must be in accordance with:
 - (a) for a ship provisionally registered in the General Register—Form 3; or
 - (b) for a ship provisionally registered in the International Register—Form 3A.

[12] Subregulation 15 (1)

substitute

- (1) A provisional registration certificate granted under subsection 22 (1) or (6), or subsection 22A (1), (2) or (6) of the Act must be in accordance with:
- (a) for a ship provisionally registered in the General Register—Form 3; or
 - (b) for a ship provisionally registered in the International Register—Form 3A.

[13] Before regulation 20

insert

Division 3 Identification

[14] Before regulation 22

insert

Division 4 Nationality and national colours

[15] Before regulation 23

insert

Division 5 Special provisions relating to the International Register

Subdivision A Cancellation of registration in the International Register

22A Contravening prescribed laws

- (1) This regulation prescribes laws for subparagraph 33B (1) (a) (iv) of the Act.

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- (2) The prescribed laws are as follows:
- (a) the *Occupational Health and Safety (Maritime Industry) Act 1993*;
 - (b) a law of a foreign country that implements a convention of the International Maritime Organization to which Australia is a signatory.

22B Failing to meet requirements for registration

- (1) This regulation prescribes a ground for cancelling the registration of a ship in the International Register for paragraph 33B (1) (e) of the Act.
- (2) The prescribed ground is the failure of the ship or the ship's owner to continue to meet the requirements of these Regulations in relation to the registration of the ship.

22C Requirements for cancelling registration

- (1) This regulation prescribes requirements in relation to cancelling the registration of a ship in the International Register for subsection 33B (3) of the Act.
- (2) The prescribed requirements are as follows:
 - (a) the ship's owner must surrender the registration certificate for the ship to the Registrar as soon as possible after the cancellation;
 - (b) the Registrar must record the cancellation of registration of the ship in the entry for the ship in the Register, without deleting the entry.

22D Review of decision to cancel registration

- (1) This regulation provides for the review of a decision of the Registrar to cancel the registration of a ship in the International Register for subsection 78A (2) of the Act.
- (2) The ship's owner, or the person in whose name the ship is registered, may apply to the CEO of the Authority to review the Registrar's decision to cancel the registration of the ship.

- (3) The application must be made within:
 - (a) 28 days after the applicant is informed of the Registrar's decision; or
 - (b) if, either before or after the end of that period of 28 days, the CEO extends the period within which the application may be made—the extended period.
- (4) The application must:
 - (a) be in a form approved in writing by the CEO; and
 - (b) set out the reasons for the application; and
 - (c) contain enough information to enable the CEO to decide the application.
- (5) On receiving an application, the CEO must:
 - (a) review the Registrar's decision; and
 - (b) decide to affirm, vary or revoke the decision.
- (6) Any person who assisted the Registrar in making the Registrar's decision, must not assist the CEO in reviewing the decision.
- (7) The CEO must, within 28 days after receiving the application, give the applicant a written notice that states:
 - (a) the CEO's decision; and
 - (b) the CEO's reason for the decision.
- (8) If the CEO does not give the written notice to the applicant within 28 days after receiving the application, the CEO is taken to have made a decision that affirms the Registrar's decision.
- (9) The CEO's decision has effect as if it had been made under by the Registrar under subsection 33B (3) of the Act.
- (10) In this regulation:
CEO, of the Authority, means the Chief Executive Officer of the Australian Maritime Safety Authority established under the *Australian Maritime Safety Authority Act 1990*.

Part 3 Transfers, transmissions, security interests and other dealings

[16] Before regulation 28B

insert

Part 5 The Register of Ships

[17] Subregulation 31 (5)

substitute

- (5) A provisional registration certificate granted under paragraph 65 (1) (d) of the Act must be in accordance with:
- (a) for a ship provisionally registered in the General Register—Form 3; or
 - (b) for a ship provisionally registered in the International Register—Form 3A.

[18] Paragraph 33A (1) (b)

omit

oars.

insert

oars;

[19] After paragraph 33A (1) (b)

insert

- (c) ships on demise charters to Australian-based operators.

[20] Before regulation 36

insert

Part 7 Transitional provisions

[21] Schedule 2, forms 2 and 3

substitute

Form 2 Registration certificate—General Register

(regulation 12)

 REGISTRATION CERTIFICATE GENERAL REGISTER <i>Shipping Registration Act 1981</i> <i>Section 19</i>

Official Number	IMO 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 Build Material	Length Overall	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 Engines	
No. and Type of Boilers	

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

Form 2A Registration certificate—International Register

(regulation 12)

 REGISTRATION CERTIFICATE INTERNATIONAL REGISTER <i>Shipping Registration Act 1981</i> <i>Section 19</i>

Official Number	IMO 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 Build Material	Length Overall	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 Engines	
No. and Type of Boilers	

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
Name of Master	Address	No. of Certificate of Competency (if applicable)	Date and Signature of delegate of the Registrar

Form 3 Provisional registration certificate— General Register

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

 PROVISIONAL REGISTRATION CERTIFICATE GENERAL REGISTER <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>

Official Number	IMO 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 Build Material	Length Overall	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 Engines	
No. and Type of Boilers	

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.

Form 3A Provisional registration certificate— International Register

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

 PROVISIONAL REGISTRATION CERTIFICATE INTERNATIONAL REGISTER <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>

Official Number	IMO 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 Build Material	Length Overall	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 Engines	
No. and Type of Boilers	

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.

Note

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