



**Australian Government**  
**Australian Maritime Safety Authority**

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**Marine Order 507 (Load line certificates— national law) 2013**

**made under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012***

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This compilation was prepared on 1 December 2014 taking into account amendments up to *Marine Order 508 (National law amendment) 2014*.

Prepared by the Office of Legislative Drafting, Australian Maritime Safety Authority

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## Division 1 Preliminary

### 1 Name of Order

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

### 2 Commencement

This Order commences on 1 July 2013.

### 3 Purpose

The purpose of this Order is to give effect to the Load Lines Convention, particularly in relation to certificates for the Load Lines Convention.

### 4 Power

- (1) Subsection 159(1) of the national law 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 national law.
- (2) Subsection 159(5) of the national law provides that the regulations may make provision about certificates for the purpose of giving effect to an international convention or instrument that is in force for Australia.
- (3) Section 162 of the national law provides that the regulations may prescribe:
  - (a) penalties for offences against the regulations; and
  - (b) civil penalties for contraventions of the regulations.
- (4) Subsection 163(1) of the national law provides that the National Regulator may make a Marine Order for any matter for which provision must or may be made by regulations, other than for matters mentioned in the section.
- (5) Section 164 of the national law allows a Marine Order to provide for any matter by applying, adopting or incorporating any matter contained in any written instrument in force or existing from time to time.

### 5 Application of Order

This Order applies to each domestic commercial vessel that is not excluded by clause 3.15 of Section 7 of the USL Code, as in force from time to time.

*Note* This Code is available on AMSA's website at <http://www.amsa.gov.au>.

### 6 Definitions

In this Order:

**load line certificate** means a certificate issued under section 8.

*Note 1* Some terms used in this Order are defined in *Marine Order 501 (Administration — national law) 2013*, including:

- AMSA Act
- approved form
- Load Lines Convention
- national law
- NSCV

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- 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
- National Regulator.

**Division 2 Issue of certificates****7 Application for a load line certificate**

An application for a load line certificate for a vessel must be in accordance with *Marine Order 501 (Administration — national law) 2013*.

*Note 1* An application must be in the approved form — see subparagraph 9(a)(i) of *Marine Order 501 (Administration — national law) 2013*.

*Note 2* A fee may be charged — see section 9 of the *Maritime Safety (Domestic Commercial Vessel) National Law Act 2012*.

*Note 3* Exemptions from this Order can be given under section 143 of the national law.

*Note 4* Giving false or misleading information in an application is an offence — see section 136.1 of the Criminal Code.

**8 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 7; and
- (b) the National Regulator is satisfied that the conditions for the issue of the certificate mentioned in section 9 are met.

*Note* A decision in relation to an application is reviewable in accordance with the review process mentioned in *Marine Order 501 (Administration — national law) 2013*.

**9 Conditions**

- (1) The conditions for issue of a load line certificate are the following:
  - (a) Section 7 of the USL Code applies to the vessel;
  - (b) any fees for the application have been paid;
  - (c) the vessel complies with Parts 2, 3, 4, 5, 6 and 7 of Section 7 of the USL Code in relation to weathertight and watertight integrity and the marking of load lines and associated marks;
  - (d) the vessel has been inspected for compliance with the requirements mentioned in paragraph (c);
  - (e) the National Regulator is satisfied that the vessel complies with the requirements mentioned in paragraph (c);
  - (f) an inspection mentioned in paragraph (d) must be carried out each time a periodic survey inspection is carried out in accordance with *Marine Order 503 (Certificates of survey — national law) 2013*.
- (2) The National Regulator may make the issue of the certificate subject to further conditions.
- (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;

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- (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.

**10 Term of certificate**

A load line certificate expires at the earlier of:

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

**Division 3 Variation, suspension and revocation of certificates****11 Application for variation, suspension or revocation**

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.

**12 Variation**

- (1) The National Regulator must vary a load line certificate on application if:
  - (a) information on the load line certificate is no longer correct; or
  - (b) the vessel has been modified, sold or damaged.
- (2) The National Regulator must vary a load line certificate on the National Regulator's own initiative if:
  - (a) the National Regulator becomes aware that a vessel to which the certificate applies has been significantly altered, damaged or sold; or
  - (b) the National Regulator considers that any of the information mentioned in the certificate is no longer accurate.

**13 Suspension**

- (1) The National Regulator must suspend a load line certificate on application if the owner of the vessel applies in the approved form for suspension of the load line certificate.
- (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 unpaid fees are recovered;
  - (b) ensuring necessary repairs are made to a vessel;
  - (c) the National Regulator considers it to be necessary in the interest of marine safety or protecting the environment.

**14 Revocation**

- (1) The National Regulator must revoke a load line certificate on application if:
  - (a) the owner of the vessel applies in the approved form for revocation of the load line certificate; and
  - (b) any fees relating to the certificate have been paid.

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- (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 erroneously.

**Division 4 Offences****15 Breach of condition (master)**

- (1) The master of a domestic commercial vessel commits an offence if:
- (a) the Load Lines Convention applies to 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 for the issue of a load line certificate (whether the condition is mentioned in section 9 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.

**16 Breach of condition (owner)**

- (1) The owner of a domestic commercial vessel commits an offence if:
- (a) the Load Lines Convention applies to 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 for the issue of a load line certificate (whether the condition is mentioned in section 9 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.

**17 Operation of vessel in certain circumstances (master)**

- (1) The master of a domestic commercial vessel commits an offence if:
- (a) the Load Lines Convention applies to the vessel; and
  - (b) the master causes or permits the vessel to be operated:
    - (i) without a load line certificate; 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

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- (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)(b)(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)(b)(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.

**18 Operation of vessel in certain circumstances (owner)**

- (1) The owner of a domestic commercial vessel commits an offence if:
- (a) the Load Lines Convention applies to the vessel; and
- (b) the owner causes or permits the vessel to be operated:
- (i) without a load line certificate; 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
- (c) 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)(b)(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)(b)(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)(b)(iii) relates to the load line mark if the

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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.

**Notes to Marine Order 507 (Load line certificates— national law) 2013****Note 1**

*Marine Order 507 (Load line certificates— national law) 2013* (in force under subsection 342(1) of the *Navigation Act 2012*) as shown in this compilation comprises *Marine Order 507 (Load line certificates— national law) 2013* amended as indicated in the following tables.

**Table of Orders**

Year and number	Registration date	FRLI number	Commencement date	Application, saving or transitional provisions
<i>Marine Order 507 (Load line certificates— national law) 2013</i> (MO 2013/12)	27 June 2013	2013L01171	1 Jul 2013	—
<i>Marine Order Amendment 2014</i> (No. 1) (MO 2014/18)	27 November 2014	F2014L01596	28 November 2014	—

**Table of amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision affected	How affected
s.2 .....	rep. <i>Legislative Instruments Act 2013</i> , s. 48D
s.6 .....	am. 2014/18