



Australian Government
Australian Maritime Safety Authority

Marine Order 31 (Vessel surveys and certification) 2015

made under the *Navigation Act 2012*

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Section 1**Division 1 Preliminary****1 Name of Order**

This Order is *Marine Order 31 (Vessel surveys and certification) 2015*.

2 Purpose

This Order:

- (a) gives effect to those parts of Chapter I of SOLAS that deal with the survey and certification of vessels, to which specific effect is not given in the Navigation Act; and
- (b) gives effect to Regulation 11(c) of Chapter I of SOLAS by providing for reports to AMSA of defects on vessels to which SOLAS applies; and
- (c) provides generally for the survey, maintenance and certification of vessels; and
- (ca) provides for the safe management and operation of vessels and pollution prevention for regulated Australian vessels to which Chapter IX of SOLAS does not apply; and
- (d) provides for notification of intended movement of vessels involved in planned tows.

3 Power

- (1) The following provisions of the Navigation Act provide for this Order to be made:
 - (a) subsection 98(1) which provides that the regulations may provide for safety certificates;
 - (b) subsection 98(2) which provides that, without limiting subsection 98(1), the regulations may give effect to SOLAS;
 - (c) paragraph 98(3)(a) which provides that the regulations may provide that vessels in a particular class must have safety certificates of specified kinds, either generally or in specified circumstances, including certificates relating to survey;
 - (d) Division 3 of Part 2 of Chapter 3 which provides for the issue of safety certificates;
 - (e) paragraphs 185(1)(b) and (2)(b) and 186(1)(b) and (2)(b) which provide for the prescribing of periods for reporting marine incidents;
 - (f) section 221 which provides that the regulations may provide for reporting requirements of vessels;
 - (g) section 314 which provides for regulations to be made prescribing matters for the application for certificates and, among other things, criteria to be satisfied for their issue by issuing bodies, and reports and declarations to be made by issuing bodies, inspectors and other persons;
 - (h) subparagraph 339(2)(i) which provides for regulations to be made relating to the testing, survey, maintenance and certification of vessels;
 - (i) paragraph 340(1)(a) which provides that the regulations may give effect to SOLAS.

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- (2) Subsection 339(1) of the Navigation Act 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 Act.
- (3) Subsection 342(1) of the Navigation Act provides that AMSA may make a Marine Order about anything that must or may be made by the regulations.
- (4) Subsection 342(4) of the Navigation Act provides that a Marine Order may provide for a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other document as in force or existing at a particular time or from time to time.

4 Definitions

In this Order:

anniversary date, for a certificate, means the day and the month of each year that corresponds to the date of expiry of the certificate.

certificate of classification, for a vessel, means a certificate issued by a classification society.

Chapter I means Chapter I of SOLAS.

classification society means an organisation that is authorised by a flag administration as defined in Regulation 1 of Chapter XI-1 of SOLAS and listed accordingly in the IMO database *Global Integrated Shipping Information System (GISIS)*.

Note For further information about classification societies — see the International Association of Classification Societies' website at <http://www.iacs.org.uk>.

Code of Safety for Diving Systems, 1995 means the *Code of Safety for Diving Systems, 1995* adopted by IMO Resolution A.831 (19), as in force from time to time.

ISM Code means the *International Safety Management (ISM) Code* as defined in Regulation 1 of Chapter IX of SOLAS, as in force from time to time.

ISM Guidelines means the *Revised Guidelines on the implementation of the International Safety Management (ISM) Code by Administrations* adopted by IMO Resolution A.1071(28), as in force from time to time.

non-SOLAS certificate means a certificate mentioned in Schedule 2.

nuclear vessel means a vessel that has a nuclear power plant.

planned tow, for a vessel, means:

- (a) a tow by the vessel of another vessel, from a port to another port or on an overseas voyage, that is planned by the owner of either vessel; and
- (b) does not include a tow of another vessel to assist in an emergency involving a threat to a person's life or to the environment.

SOLAS certificate means a certificate mentioned in Regulation 12 of Chapter I.

towing assessment, for a planned tow, means an inspection or survey of:

- (a) 1 or both vessels to be involved in the planned tow; or
- (b) the proposed arrangements for the tow.

Note 1 SOLAS certificates are listed in Schedule 1.

Note 2 Information on obtaining copies of IMO Resolutions or other documents mentioned in this Order is available on AMSA's website <http://www.amsa.gov.au>.

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Note 3 Some terms used in this Order are defined in *Marine Order 1 (Administration) 2013*, including:

- cargo vessel
- fishing vessel
- GT
- NSCV
- passenger vessel
- SOLAS
- USL Code.

Note 4 Other terms used in this Order are defined in the Navigation Act, including:

- inspector
- International Tonnage Certificate (1969)
- issuing body
- marine incident
- owner
- recognised organisation (for organisations that have been prescribed for the definition — see *Marine Order 1 (Administration) 2013*)
- regulated Australian vessel
- Tonnage Convention.

Note 5 For delegation of AMSA's powers under this Order — see the AMSA website Marine Orders link at <http://www.amsa.gov.au>.

5 Interpretation

- (1) In this Order:
 - (a) a term that is used but is not defined for this Order, and is defined in SOLAS, has the meaning given by SOLAS; and
 - (b) a reference in SOLAS to *the Administration* is taken to mean:
 - (i) for a regulated Australian vessel — AMSA; or
 - (ii) for a foreign vessel — the government of the country whose flag the vessel is entitled to fly.
- (2) For Regulation 11(c) of Chapter I of SOLAS, the appropriate authority for Australia is AMSA.

6 Application

- (1) This Order applies to a regulated Australian vessel.
- (2) This Order applies to a foreign vessel as set out in Division 2.
- (3) This Order does not apply to a nuclear vessel to the extent that this Order is inconsistent with Chapter VIII of SOLAS.

Division 2 Foreign vessels

7 Application of this Division

This Division applies to a foreign vessel.

8 Foreign vessels to which SOLAS applies

A foreign vessel to which Chapter I applies must:

- (a) have the certificates that Regulation 12 of Chapter I requires it to have; and

- (b) comply with SOLAS to the extent that it is required to do so by the Administration of the country in which the vessel is registered.

9 Foreign vessels to which SOLAS does not apply

A foreign vessel to which Chapter I does not apply must:

- (a) have at least 1 certificate, or other documentary evidence issued by or on behalf of the country in which it is registered, that:
 - (i) attests to the vessel's seaworthiness; and
 - (ii) includes details of the vessel's areas of operation, equipment and manning requirements; and
- (b) comply with the requirements of the Administration of the country in which it is registered.

10 Foreign vessels — notification of planned tows

Section 45 applies to a foreign vessel.

11 Foreign vessels to which SOLAS applies — reporting of defects to AMSA

(SOLAS, Chapter I, Regulation 11(c))

- (1) If a defect is discovered on a foreign vessel to which Chapter I applies, the master or owner of the vessel must report the defect to AMSA immediately if the vessel is in an Australian port.
- (2) In subsection (1):

defect has the same meaning as in Regulation 11(c) of Chapter I.

Note An approved form for the reporting of defects to AMSA is available on AMSA's website at <http://www.amsa.gov.au/forms>.

12 Foreign vessels — reporting of marine incidents

Section 48 applies to a foreign vessel.

Division 3 Safety certificates

Subdivision 3.1 SOLAS certificates

13 SOLAS certificates required

For subsection 98(3) of the Navigation Act (which enables a Marine Order to provide that specified kinds of vessels are required to have specified safety certificates), a vessel to which Chapter I applies must have each certificate Regulation 12 of Chapter I provides must be issued to the vessel.

14 Applying for SOLAS certificates

- (1) For subsection 99(1) of the Navigation Act (which enables a person to apply to an issuing body for a safety certificate of a kind specified in a Marine Order), each certificate mentioned in Regulation 12 of Chapter I is a safety certificate.

Note See the definition of *SOLAS certificate* in section 4. SOLAS certificates are listed in Schedule 1.

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- (2) For subsection 99(2) of the Navigation Act, Division 3 of *Marine Order 1 (Administration) 2013* (other than section 17) applies to an application to AMSA for a certificate mentioned in subsection (1).

Note 1 An issuing body may issue a safety certificate under section 100 of the Navigation Act.

Note 2 Division 3 of *Marine Order 1 (Administration) 2013* prescribes some general rules about the making and determination of various kinds of applications. Section 17 of that Order provides for internal review of decisions about applications. That section does not apply to decisions about safety certificates because those decisions are reviewable by the Administrative Appeals Tribunal — see subsection 313(1) of the Navigation Act.

15 Criteria for issue of SOLAS certificates

For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of a SOLAS certificate for a vessel that is mentioned in Schedule 1 are those mentioned for the certificate in Schedule 1.

Note A criterion for issue of a SOLAS certificate is that the vessel has been surveyed in accordance with SOLAS — see Schedule 1. Surveys are conducted by issuing bodies in accordance with IMO Resolution A.1053 (27), as in force from time to time.

16 Conditions of SOLAS certificates

For paragraph 100(2)(a) of the Navigation Act, a SOLAS certificate is subject to the conditions mentioned for the certificate in Schedule 1.

Note An issuing body may impose other conditions on a safety certificate — see paragraph 100(2)(b) of the Navigation Act.

17 Endorsements of SOLAS certificates

An endorsement required under Chapter I to be made to a SOLAS certificate for a vessel must be made by an issuing body.

Note 1 It is practice for an issuing body endorsing a certificate to be the same as the issuing body that originally issued the certificate.

Note 2 See the following regulations of Chapter I for information about required endorsements — Regulation 8(c) for endorsement of Cargo Ship Safety Certificates, Regulation 9(c) for endorsement of Cargo Ship Safety Radio Certificates and Regulation 10(c) for endorsement of Cargo Ship Safety Construction Certificates.

18 Duration of SOLAS certificates

A SOLAS certificate comes into force, and ceases to be in force, in accordance with Regulation 14 of Chapter I.

19 Harmonisation of expiry dates of certain SOLAS certificates

If a vessel complies with the survey requirements mentioned in Regulation 8 and Regulation 9 of Chapter I that apply to the vessel, the issuing body may extend the expiry date of any of the following SOLAS certificates for the vessel so that it expires on the same date as the vessel's Cargo Ship Safety Construction Certificate or Load Line Certificate:

- (a) a Cargo Ship Safety Equipment Certificate;
- (b) a Cargo Ship Safety Radio Certificate.

20 Criteria for variation of SOLAS certificates

For subsection 101(1) of the Navigation Act, the criteria for variation of a SOLAS certificate are that:

- (a) the vessel complies with the requirements that apply to it under SOLAS; and
- (b) if the variation relates to the matters mentioned in Regulation 14 of Chapter I — the variation is in accordance with Regulation 14 of Chapter I.

Note A variation may be in the form of an endorsement on a certificate.

21 Criteria for revocation of SOLAS certificates

For section 102 of the Navigation Act, the criteria for revocation of a SOLAS certificate are that:

- (a) a condition of the certificate has been, or AMSA reasonably suspects will be, breached; or
- (b) an endorsement required to be made on the certificate under Chapter I has not been made; or
- (c) the vessel to which the certificate applies ceases to be registered in Australia; or
- (d) the owner of the vessel to which the certificate applies has requested the revocation; or
- (e) the certificate contains incorrect information.

22 Renewal of SOLAS certificates

A certificate mentioned in Regulation 12 of Chapter I may be renewed in accordance with Regulation 14 of Chapter I.

Subdivision 3.2 Non-SOLAS certificates

23 Non-SOLAS certificates required

- (1) For subsection 98(3) of the Navigation Act (which enables the regulations to provide that specified kinds of vessels are required to have specified safety certificates):
 - (a) a regulated Australian vessel to which Chapter I does not apply must have the certificate mentioned for the vessel in Schedule 2; and
 - (b) a cargo vessel that is at least 300 GT must have a Cargo Ship Safety Radio Certificate.

- (2) In this section:

Cargo Ship Safety Radio Certificate means a SOLAS certificate of that name.

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24 Applying for non-SOLAS certificates

- (1) For subsection 99(1) of the Navigation Act (which enables a person to apply to an issuing body for a safety certificate of a kind specified in the regulations), each of the certificates mentioned in Schedule 2 is a safety certificate.
- (2) For subsection 99(2) of the Navigation Act, Division 3 of *Marine Order 1 (Administration) 2013* (other than section 17) applies to an application to AMSA for a certificate mentioned in subsection (1).

Note 1 An issuing body may issue a safety certificate under section 100 of the Navigation Act.

Note 2 Division 3 of *Marine Order 1 (Administration) 2013* prescribes some general rules about the making and determination of various kinds of applications. Section 17 of that Order provides for internal review of decisions about applications. That section does not apply to decisions about safety certificates because those decisions are reviewable by the Administrative Appeals Tribunal — see subsection 313(1) of the Navigation Act.

25 Criteria for issue of non-SOLAS certificates

For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of a non-SOLAS certificate for a vessel that is mentioned in Schedule 2 are those mentioned for the certificate in Schedule 2.

Note A criterion for issue of a non-SOLAS certificate is that the vessel has been surveyed in accordance with Schedule 3 — see Schedule 2. Surveys are conducted by issuing bodies in accordance with IMO Resolution A.1053 (27), as in force from time to time.

26 Conditions of non-SOLAS certificates

For paragraph 100(2)(a) of the Navigation Act, a non-SOLAS certificate is subject to the conditions mentioned for the certificate in Schedule 2.

Note An issuing body may impose other conditions on a safety certificate — see paragraph 100(2)(b) of the Navigation Act.

27 Endorsements of non-SOLAS certificates

Each intermediate and annual survey and inspection of the outside of the bottom of a vessel must be endorsed on a non-SOLAS certificate for the vessel by an issuing body.

Note It is practice for an issuing body endorsing a certificate to be the same as the issuing body that originally issued the certificate.

28 Duration of non-SOLAS certificates

- (1) A non-SOLAS certificate comes into force, and ceases to be in force, in accordance with Regulation 14 of Chapter I as if it were a SOLAS certificate.
- (2) However, a non-SOLAS certificate mentioned in the following table is in force for the period, up to the maximum mentioned in the table for the kind of certificate, mentioned in the certificate.
- (3) Also, the period may be extended in accordance with section 31.

Item	Kind of certificate (non-SOLAS)	Maximum period
1	Certificate of Survey for a Passenger Ship	1 year
2	Certificate of Survey for a Cargo Ship*	5 years
3	Certificate of Survey for a Fishing Vessel*	5 years

*The Certificate of Survey may be issued in parts corresponding to the areas covered by the Safety Construction, Safety Equipment and Safety Radio certificates.

- (4) If an existing non-SOLAS certificate is being renewed, the period mentioned for the safety certificate in the table starts:
- (a) if the renewal survey is completed on, or within 3 months before, the expiry date of the existing certificate — at the end of the expiry date of the existing certificate; or
 - (b) if the renewal survey is completed after the expiry date of the existing certificate — at the end of the expiry date of the existing certificate; or
 - (c) if the renewal survey is completed more than 3 months before the expiry date of the existing certificate — at the end of the date of completion of the renewal survey.

29 Criteria for variation of non-SOLAS certificates

For subsection 101(1) of the Navigation Act, the criteria for variation of a non-SOLAS certificate are that:

- (a) the vessel complies with any requirements that apply to it under Marine Orders; and
- (b) if the variation is to be to the duration of the certificate, the variation complies with the requirements of this Order for the duration of non-SOLAS certificates including for the extension of the expiry date of certificates.

Note A variation may be in the form of an endorsement on a certificate.

30 Criteria for revocation of non-SOLAS certificates

For section 102 of the Navigation Act, the criteria for revocation of a non-SOLAS certificate are that:

- (a) a condition of the certificate has been, or AMSA reasonably suspects will be, breached; or
- (b) an endorsement required to be made to the certificate under section 27 has not been made; or
- (c) the vessel to which the certificate applies ceases to be registered in Australia; or
- (d) the owner of the vessel to which the certificate applies has requested the revocation; or
- (e) the certificate contains incorrect information.

Subdivision 3.3 Safety certificates — other matters

31 Extension of expiry date of safety certificate

- (1) For a safety certificate that is issued for a cargo vessel for less than the maximum period, the issuing body may extend its expiry date to the maximum period if the annual or intermediate surveys are carried out.
- (2) If a renewal survey of a cargo vessel or a passenger vessel has been completed and a new certificate cannot be issued or placed on board the vessel before the expiry date of the existing certificate:
 - (a) the existing certificate must be endorsed by the issuing body; and

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- (b) the issuing body may extend the expiry date of the existing certificate for a further period of up to 5 months.
- (3) For subsection (1), the maximum period is:
 - (a) for a SOLAS certificate — the period Regulation 14 of Chapter I provides is the maximum for which the certificate may be issued; or
 - (b) for a non-SOLAS certificate — the maximum period mentioned in the table to section 28 for the kind of certificate.

32 Extension of expiry date of safety certificate so renewal survey can be conducted

- (1) AMSA may extend the expiry date of a safety certificate for a vessel of a kind mentioned in an item in the following table for the period and subject to the conditions mentioned in the item.

Item	Kind of vessel	Period	Conditions of extension
1	A regulated Australian vessel that is a cargo vessel that, when the certificate expires, is not in the port where it is to be surveyed	Up to 3 months	<ul style="list-style-type: none"> (a) the vessel must travel only to the port where it is to be surveyed (b) the vessel must not leave the port where it is surveyed without a new certificate of the same kind
2	A regulated Australian vessel that is a passenger vessel that, when the certificate expires, is not in the port where it is to be surveyed	<p>If the certificate has been issued for:</p> <ul style="list-style-type: none"> (a) an international voyage — up to 3 months (b) a short international voyage — up to 1 month 	<ul style="list-style-type: none"> (a) the vessel must travel only to the port where it is to be surveyed (b) the vessel must not leave the port where it is surveyed without a new certificate of the same kind
3	A regulated Australian vessel that is a fishing vessel	Up to 1 month	Nil

Note 1 For the definition of **international voyage** — see Regulation 2 of Chapter I.

Note 2 For the definition of **short international voyage** — see Regulation 2 of Chapter III of SOLAS.

- (2) The expiry date of a safety certificate of a vessel mentioned in item 3 may be extended only if an extension under subsection (1) has not been granted previously.
- (3) The extension of the expiry date of the certificate begins at the end of the expiry date that is being extended.
- (4) However, if AMSA considers that special circumstances apply, the extension of the expiry date of the certificate begins at the end of the date of completion of the renewal survey.

Note **special circumstances** might include that a vessel is laid up at the time the survey is due and remains laid up for more than 6 months.

33 Surveys completed before certificate expiry

If an annual, intermediate or periodical survey of a vessel is completed before the period mentioned for its completion in Chapter I or, if the survey is of a fishing vessel, the period mentioned in Division 2 of Schedule 3:

- (a) the anniversary date shown on the safety certificate is to be amended by endorsement to a date that must not be more than 3 months later than the date when the survey was completed; and
- (b) the subsequent annual, intermediate or periodical survey required by this Order must be completed at the intervals mentioned in this Order using the new anniversary date; and
- (c) the expiry date may remain unchanged if at least 1 annual, intermediate or periodical survey, as required, is carried out so that the maximum intervals between the surveys mentioned in this Order are not exceeded.

34 Safety certificates ceasing to be in force

A safety certificate ceases to be in force if:

- (a) a survey or inspection required by this Order is not completed within the period required under this Order; or
- (b) the certificate is not endorsed in accordance with this Order; or
- (c) the vessel ceases to be registered in Australia.

35 Form of safety certificates

A safety certificate must be in the approved form for a certificate of its kind.

Subdivision 3.4 Certificates required for certain kinds of vessels

36 Certificates required for towing vessels

A vessel that is towing another vessel must have all the certificates required for the vessel by this and any other Marine Order.

Note An AMSA inspector may also conduct an inspection of the towed vessel and inspect the certificates or other documentation of the vessel being towed — see Division 2 of Chapter 8 of the Navigation Act particularly section 259.

37 Certificates required for vessels fitted with fixed diving systems

A vessel that is a regulated Australian vessel and has a fixed diving system constructed after 23 November 1995 must have a diving safety certificate under the *Code of Safety for Diving Systems, 1995* that is issued by a recognised organisation.

Note A vessel with a fixed diving system constructed before the *Code of Safety for Diving Systems, 1995* was adopted by the IMO on 23 November 1995 may also apply to AMSA for a diving safety certificate.

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Division 4 Surveys

Note For annual survey requirements — see Schedule 1.

Subdivision 4.1 General

38 Application of survey requirements

The survey requirements of this Order apply to a vessel not propelled by mechanical means as though it were being surveyed for the issue, renewal or endorsement of a certificate as a vessel propelled by mechanical means.

Note For surveys required for a SOLAS certificate — see the issuing criteria for the certificate in Schedule 1. For surveys required for a non-SOLAS certificate — see the issuing criteria for the certificate in Schedule 2.

Subdivision 4.2 Testing of boilers, connections, pipes etc — passenger and cargo vessels

39 Testing of boilers, connections pipes etc — passenger and cargo vessels

- (1) The main and auxiliary boilers, connections, steam pipes, high pressure receivers and fuel tanks for internal combustion engines of a passenger vessel must be tested hydraulically or using another method approved by AMSA:
 - (a) during initial, renewal and any additional surveys relating to the equipment; and
 - (b) using test procedures and at intervals specified by the equipment manufacturer or the recognised organisation carrying out the testing.
- (2) AMSA may approve another method of testing only if it is based on an international standard.
- (3) The owner of a vessel that does not hold a certificate of classification may apply to AMSA for specification of the appropriate procedures for the vessel.

Subdivision 4.3 Inspection of the bottom of a vessel — passenger, cargo and fishing vessels

40 Requirement for dry-dock inspections of the bottom of a vessel

- (1) A vessel must have, in any 5 year period, at least 2 dry-dock inspections of the outside of the bottom of the vessel.
- (2) The interval between any 2 inspections must be no more than 36 months.
- (3) However, the owner of a vessel may apply to AMSA for approval for the vessel to comply with IACS Rec.No.133 *Guidelines for Pilot Schemes of Extended Interval between Surveys in Dry-Dock – Extended Dry-docking (EDD) Scheme* as in force from time to time, instead of complying with subsections (1) and (2).
- (4) The application for approval must be made in accordance with *Marine Order 1 (Administration) 2013*.

41 Applying for approval of an in-water inspection

- (1) The owner of a vessel may apply to AMSA for approval of an in-water inspection to replace 1 of the dry-dock inspections mentioned in subsection 40(1).

- (2) The application for approval must be made in accordance with *Marine Order 1 (Administration) 2013*.

Note *Marine Order 1 (Administration) 2013* requires a supporting statement setting out the grounds of the application. It also provides that if a fee is charged the application must be accompanied by the prescribed fee and, if a form is approved for the application, the approved form must be used.

42 Criteria for approval of an in-water inspection

The criteria for approval of an application for an in-water inspection of the bottom of a vessel are that AMSA is satisfied that:

- (a) the last inspection of the outside of the bottom of the vessel was conducted in drydock or on a slipway; and
- (b) an inspection would be in accordance with:
 - (i) paragraphs 4.6 and 5.10 of IMO Resolution A.1053 (27), as in force from time to time; and
 - (ii) IMO MSC.1/Circ.1348; and
- (c) the inspection will be conducted as follows:
 - (i) by a recognised organisation using video equipment operated in-water by a diving contractor with underwater hull inspection skills and experience acceptable to AMSA;
 - (ii) so that the underwater hull is marked in a way that allows the location of the diver and underwater camera to be readily identified, by frame and strake;
 - (iii) so that the markings are verifiable at intervening dry dockings and slippings;
 - (iv) so that the inspection requirements of the recognised organisation that provides survey and certification services for the vessel are met.

Note AMSA may impose conditions on an approval — see section 15 of *Marine Order 1 (Administration) 2013*.

Subdivision 4.4 Surveys — other matters

43 Surveys of particular kinds of vessels

- (1) A vessel that is to be surveyed for the issue, renewal or endorsement of a certificate mentioned in subsection (2) must comply with each requirement of this Order to the extent that it is consistent with the Marine Order that requires the certificate to be issued, renewed or endorsed.
- (2) For subsection (1), the certificates are:
 - (a) a certificate of fitness under *Marine Order 17 (Chemical tankers and gas carriers) 2016*;
 - (b) a MODU safety certificate under *Marine Order 47 (Mobile offshore drilling units) 2012*;
 - (c) a DSC Construction and Equipment Certificate under *Marine Order 49 (High-speed craft) 2015*;
 - (d) an HSC Safety Certificate under *Marine Order 49 (High-speed craft) 2015*;

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- (e) a Special Purpose Ship Safety Certificate under *Marine Order 50 (Special Purpose Ships) 2012*;
 - (f) an Australian Certificate for the Carriage of Livestock under *Marine Order 43 (Cargo and cargo handling — livestock) 2006*;
 - (g) a Polar Ship Certificate under *Marine Order 53 (Vessels in polar waters) 2016*.
- (3) A vessel that is to be surveyed for the issue, renewal or endorsement of an International Certificate of Fitness for the Carriage of INF cargo, as required by Regulation 16.1 of Chapter VII of SOLAS, must comply with each requirement of this Order to the extent that it is consistent with a requirement of the INF Code, as defined in *Marine Order 41 (Carriage of dangerous goods) 2009*.

Division 5 Other matters

44 **Certificates that do not make a vessel a *regulated Australian vessel***

For subparagraph 15(1)(c)(ii) of the Navigation Act, the following certificates are prescribed:

- (a) an International Tonnage Certificate (1969);
- (b) a pollution certificate;
- (c) a declaration of maritime labour compliance.

45 **Notification of planned tows**

- (1) The owner or master of a vessel that is to tow or be towed in a planned tow must, at least 7 days before the tow commences:
- (a) notify AMSA of the planned tow; or
 - (b) arrange for AMSA to be notified of the planned tow.

Note 1 The **owner** of a vessel includes a person with overall general control and management of the vessel — see Act, s 14(1). For a planned tow, this could be the registered agent, the registered owner, the operator of the towing vessel (salvage operator), the P&I insurer or the issuing body.

Note 2 For the definition of **planned tow** — see section 4.

Note 3 For guidance about planning safe tows — see IMO MSC/Circ.884 *Guidelines for safe ocean towing*.

Note 4 For ways of contacting AMSA — see AMSA's website at <http://www.amsa.gov.au>.

- (2) AMSA may require further information about the planned tow.

Examples of information

- 1. vessel stability information
- 2. information about hull and protection and indemnity (P&I) insurance
- 3. a towing survey report
- 4. charts and voyage plan
- 5. seafarer certificates of competency and experience in undertaking a tow
- 6. vessel certificates.

Note 1 For the certification requirements for vessels involved in a planned tow — see section 36.

Note 2 AMSA usually receives a towing report from a surveyor engaged by the insurance company underwriting the tow.

- (3) AMSA may:
- (a) conduct, or arrange for the conduct of, a towing assessment for the planned tow; or
 - (b) impose conditions on the planned tow.

Note 1 For the definition of **towing assessment** — see section 4.

Note 2 If a recognised organisation or other person conducts the towing assessment, AMSA may ask the recognised organisation or other person to give AMSA a report of the towing assessment.

Note 3 An inspector may issue a prohibition notice about the conduct of the planned tow if the inspector believes on reasonable grounds that it would involve a serious risk to the health or safety of a person — see section 267 of the Navigation Act. An inspector may issue directions if the inspector believes a person is not complying with the Act — see section 264 of the Act.

46 Notification of alterations to vessel

For paragraph 105(1)(c) of the Navigation Act, the period within which AMSA and each issuing body must be informed of an alteration to a regulated Australian vessel is within 7 days after the alteration is made.

Note 1 Section 105 of the Navigation Act provides an obligation to notify alterations of regulated Australian vessels that affect the safety certificates that the vessel is required to have.

Note 2 For ways of contacting AMSA — see AMSA's website at <http://www.amsa.gov.au>.

47 Reporting of defects by a regulated Australian vessel to which SOLAS applies

(SOLAS, Chapter I, Regulation 11(c))

- (1) If a defect is discovered on a regulated Australian vessel to which Chapter I applies the defect must be reported:
- (a) at the earliest opportunity to AMSA; and
 - (b) if the vessel is in port of another SOLAS Contracting Government — immediately to the appropriate authority of the SOLAS Contracting Government.
- (2) In subsection (1):

defect has the same meaning as in Regulation 11(c) of Chapter I.

Note 1 An approved form for the reporting of defects to AMSA is available on AMSA's website at <http://www.amsa.gov.au/forms>.

Note 2 Under section 185 of the Navigation Act, the owner of a vessel must also report marine incidents and dangers to navigation to AMSA. Under section 186 of the Navigation Act, the master of a vessel must report marine incidents and dangers to navigation to AMSA. Section 23A of *Marine Order 1 (Administration) 2013* prescribes matters in relation to reports under sections 185 and 186.

Schedule 1 SOLAS certificates — criteria for issue and conditions

(sections 15 and 16)

1.1 Passenger Ship Safety Certificate

Criteria	Conditions
The vessel:	(1) The vessel and its equipment and appliances are maintained to comply with SOLAS.
(a) has been surveyed in accordance with Regulation 7 of Chapter I (Regulation 7); and	(2) Each survey of the vessel that is required by Regulation 7 is completed in accordance with the Regulation.
(b) complies with SOLAS; and	(3) Any endorsement required to be made to the certificate under Regulation 7 is made.
(c) complies with the following Marine Orders:	(4) After any survey mentioned in Regulation 7 has been completed, any proposed change to the structure, equipment, systems, fittings, arrangements or material covered by the survey, other than the direct replacement of equipment or fittings, is approved by AMSA (as required by Regulation 11 of Chapter I (Regulation 11)).
(i) <i>Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2016;</i>	
(ii) <i>Marine Order 15 (Construction — fire protection, fire detection and fire extinction) 2014;</i>	
(iii) <i>Marine Order 21 (Safety and emergency arrangements) 2016;</i>	
(iv) <i>Marine Order 25 (Equipment — lifesaving) 2014;</i>	
(v) <i>Marine Order 27 (Safety of navigation and radio equipment) 2016;</i>	
(vi) <i>Marine Order 30 (Prevention of collisions) 2016.</i>	

1.2 Cargo Ship Safety Construction Certificate

Criteria	Conditions
The vessel:	(1) The vessel and its equipment and appliances are maintained to comply with SOLAS.
(a) has been surveyed in accordance with Regulation 10 of Chapter I (Regulation 10); and	(2) Each survey of the vessel that is required by Regulation 10 is completed in accordance with the Regulation.
(b) complies with SOLAS; and	(3) Any endorsement required to be made to the certificate under Regulation 10 is made.
(c) complies with following Marine Orders:	(4) After any survey mentioned in
(i) <i>Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2016;</i>	

Criteria	Conditions
(ii) <i>Marine Order 15 (Construction — fire protection, fire detection and fire extinction) 2014.</i>	Regulation 10 has been completed, any change to the structure, equipment, systems, fittings, arrangements or material covered by the survey, other than the direct replacement of equipment or fittings, is approved by AMSA (as required by Regulation 11).

1.3 Cargo Ship Safety Equipment Certificate

Criteria	Conditions
The vessel:	(1) The vessel and its equipment and appliances are maintained to comply with SOLAS.
(a) has been surveyed in accordance with Regulation 8 of Chapter I (Regulation 8); and	(2) Each survey of the vessel that is required by Regulation 8 is completed in accordance with the Regulation.
(b) complies with SOLAS; and	(3) Any endorsement required to be made to the certificate under Regulation 8 is made.
(c) complies with the following Marine Orders:	(4) After any survey mentioned in Regulation 8 has been completed, any change to the structure, equipment, systems, fittings, arrangements or material covered by the survey, other than the direct replacement of equipment or fittings, is approved by AMSA (as required by Regulation 11).
(i) <i>Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2016;</i>	
(ii) <i>Marine Order 15 (Construction — fire protection, fire detection and fire extinction) 2014;</i>	
(iii) <i>Marine Order 21 (Safety and emergency arrangements) 2016;</i>	
(iv) <i>Marine Order 25 (Equipment — lifesaving) 2014;</i>	
(v) <i>Marine Order 30 (Prevention of collisions) 2016.</i>	

1.4 Cargo Ship Safety Radio Certificate

Criteria	Conditions
The vessel:	(1) The vessel and its equipment and appliances are maintained to comply with SOLAS.
(a) has been surveyed in accordance with Regulation 9 of Chapter I (Regulation 9); and	(2) Each survey of the vessel that is required by Regulation 9 is completed in accordance with the Regulation.
(b) complies with SOLAS; and	
(c) complies with <i>Marine Order 27 (Safety of navigation and radio</i>	

Criteria	Conditions
<i>equipment) 2016.</i>	<p>(3) Any endorsement required to be made to the certificate under Regulation 9 is made.</p> <p>(4) After any survey mentioned in Regulation 9 has been completed, any change to the structure, equipment, systems, fittings, arrangements or material covered by the survey, other than the direct replacement of equipment or fittings, is approved by AMSA (as required by Regulation 11).</p>

1.5 Cargo Ship Safety Certificate

Criteria	Conditions
<p>The vessel:</p> <p>(a) has been surveyed in accordance with Regulations 8, 9 and 10 of Chapter I; and</p> <p>(b) complies with SOLAS; and</p> <p>(c) complies with the following Marine Orders:</p> <p>(i) <i>Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2016;</i></p> <p>(ii) <i>Marine Order 15 (Construction — fire protection, fire detection and fire extinction) 2014;</i></p> <p>(iii) <i>Marine Order 21 (Safety and emergency arrangements) 2016;</i></p> <p>(iv) <i>Marine Order 25 (Equipment — lifesaving) 2014;</i></p> <p>(v) <i>Marine Order 27 (Safety of navigation and radio equipment) 2016;</i></p> <p>(vi) <i>Marine Order 30 (Prevention of collisions) 2016.</i></p>	<p>(1) The vessel and its equipment and appliances are maintained to comply with SOLAS.</p> <p>(2) Each survey of the vessel that is required by Regulation 8, 9 or 10 of Chapter I is completed in accordance with the Regulation.</p> <p>(3) Any endorsement required to be made to the certificate under Regulations 8, 9 and 10 is made.</p> <p>(4) After any survey mentioned in Regulations 8, 9 and 10 has been completed, any change to the structure, equipment, systems, fittings, arrangements or material covered by the survey, other than the direct replacement of equipment or fittings, is approved by AMSA (as required by Regulation 11).</p>

Schedule 2 Non-SOLAS certificates — criteria for issue and conditions

(sections 23, 25 and 26)

2.1 Certificate of Survey for a Passenger Vessel

Criteria	Conditions
The vessel:	(1) The vessel and its equipment and appliances are maintained to comply with the Marine Orders mentioned in this table for the certificate.
(a) is not a vessel to which SOLAS applies; and	(2) Each survey of the vessel that is required by Division 1 of Schedule 3 is completed.
(b) has been surveyed in accordance with Division 1 of Schedule 3; and	(3) Any endorsement required to be made to the certificate under section 27 is made.
(c) complies with the following Marine Orders:	(4) After any survey mentioned in Division 1 of Schedule 3 has been completed, any proposed change to the structure, equipment, systems, fittings, arrangements or material covered by the survey, other than the direct replacement of equipment or fittings, is approved by AMSA.
(i) <i>Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2016;</i>	
(ii) <i>Marine Order 15 (Construction — fire protection, fire detection and fire extinction) 2014;</i>	
(iii) <i>Marine Order 21 (Safety and emergency arrangements) 2016;</i>	
(iv) <i>Marine Order 25 (Equipment — lifesaving) 2014;</i>	
(v) <i>Marine Order 27 (Safety of navigation and radio equipment) 2016;</i>	
(vi) <i>Marine Order 30 (Prevention of collisions) 2016.</i>	

2.2 Certificate of Survey for a Cargo Vessel other than a Fishing Vessel

Criteria	Conditions
The vessel:	(1) The vessel and its equipment and appliances are maintained to comply with the Marine Orders mentioned in this table for the certificate.
(a) is not a vessel to which SOLAS applies; and	(2) Each survey of the vessel that is required by Division 2 of Schedule 3 is completed.
(b) has been surveyed in accordance with Division 2 of Schedule 3; and	(3) Any endorsement required to be
(c) complies with the following Marine Orders:	
(i) <i>Marine Order 12</i>	

Criteria	Conditions
<p>(Construction — subdivision and stability, machinery and electrical installations) 2016;</p> <p>(ii) <i>Marine Order 15</i> (Construction — fire protection, fire detection and fire extinction) 2014;</p> <p>(iii) <i>Marine Order 21</i> (Safety and emergency arrangements) 2016;</p> <p>(iv) <i>Marine Order 25</i> (Equipment — lifesaving) 2014;</p> <p>(v) <i>Marine Order 27</i> (Safety of navigation and radio equipment) 2016;</p> <p>(vi) <i>Marine Order 30</i> (Prevention of collisions) 2016.</p> <p>The owner of the vessel who has agreed to take over all the duties and responsibilities imposed by the ISM Code (in the ISM Code called the Company) has given the issuing body a written declaration that there is in place for the vessel a safety management system that complies with Part A of the ISM Code.</p>	<p>made to the certificate under section 27 is made.</p> <p>(4) After any survey mentioned in Division 2 of Schedule 3 has been completed, any change to the structure, equipment, systems, fittings, arrangements or material covered by the survey, other than the direct replacement of equipment or fittings, must be approved by AMSA.</p> <p>(5) There is in place for the vessel a safety management system that is applied on the vessel in accordance with the ISM Code and the ISM Guidelines.</p> <p>(6) If the vessel is less than 24 m long and is carrying sail — the vessel complies with the requirements of the USL Code for watertight subdivision of Class 1 vessels.</p> <p><i>Note:</i> The Uniform Shipping Laws Code is available on AMSA's website at http://www.amsa.gov.au.</p>

2.3 Certificate of Survey for a Fishing Vessel

Criteria	Conditions
<p>The vessel:</p> <p>(a) has been surveyed in accordance with Division 2 of Schedule 3; and</p> <p>(b) complies with the following Marine Orders:</p> <p>(i) <i>Marine Order 12</i> (Construction — subdivision and stability, machinery and electrical installations) 2016;</p> <p>(ii) <i>Marine Order 15</i> (Construction — fire protection, fire detection and fire extinction) 2014;</p> <p>(iii) <i>Marine Order 21</i> (Safety and</p>	<p>(1) The vessel and its equipment and appliances are maintained to comply with the Marine Orders mentioned in this table for the certificate.</p> <p>(2) Any survey mentioned in Division 2 of Schedule 3 is completed.</p> <p>(3) Any endorsement required to be made to the certificate under section 27 is made.</p> <p>(4) After any survey mentioned in Division 2 of Schedule 3 has been completed, any change to the structure, equipment, systems, fittings, arrangements or material</p>

Criteria	Conditions
<i>emergency arrangements) 2016;</i> (iv) <i>Marine Order 25 (Equipment — lifesaving) 2014;</i> (v) <i>Marine Order 27 (Safety of navigation and radio equipment) 2016;</i> (vi) <i>Marine Order 30 (Prevention of collisions) 2016.</i>	covered by the survey, other than the direct replacement of equipment or fittings, is approved by AMSA.

Schedule 3 Survey standards for non-SOLAS vessels

(Schedule 2)

Division 1 Passenger vessels

3.1 Initial surveys

- (1) An initial survey of the structure, machinery and equipment must be carried out:
 - (a) before the vessel is put into service; and
 - (b) before a Certificate of Survey for a Passenger Vessel is issued for the vessel for the first time.
- (2) The initial survey must be a complete survey of the structure, stability, machinery, arrangements and material, including the outside of the hull and the inside and outside of the boilers and equipment.
- (3) The survey must determine if the following comply with the Marine Orders:
 - (a) the arrangements, material and scantlings of the structure, boilers and other pressure vessels and their attachments;
 - (b) main and auxiliary machinery, including steering gear and associated control systems;
 - (c) electrical installations and radio installations, including those used in life-saving appliances;
 - (d) fire protection, fire safety systems and appliances;
 - (e) life-saving appliances and arrangements;
 - (f) shipborne navigational equipment, nautical publications and pilot transfer equipment;
 - (g) navigation lights and means of making sound signals and distress signals.

3.2 Renewal surveys (including inspection of bottom of vessel)

A renewal survey of a vessel for which a Certificate of Survey for a Passenger Vessel has been issued must:

- (a) be carried out at intervals of no more than 12 months after the initial survey is completed; and
- (b) determine whether the vessel complies with the Marine Orders for the matters mentioned in subclause 3.1(3); and
- (c) include an inspection of the bottom of the vessel either in dry dock or on a slip.

Note For requirements for inspections of the bottom of passenger vessels — see Subdivision 4.3.

3.3 Additional surveys

- (1) This section applies if:
 - (a) the safety of a vessel or its equipment or life-saving appliances is affected by a marine incident involving the vessel or a defect on the vessel; or
 - (b) the vessel undergoes major renewals or repairs.

- (2) The owner or master of the vessel must, within 7 days, tell the issuing body that issued the certificate the details of the marine incident, defect or major repair.
Note for paragraph (a) For reporting of marine incidents to AMSA — see section 48.
- (3) AMSA or the recognised organisation may require that an additional survey of the vessel be conducted.
- (4) An additional survey must determine:
 - (a) if the vessel's equipment and appliances are in good working order; and
 - (b) whether the vessel complies with the Marine Orders for the matters mentioned in subclause 3.1(3).

Division 2 Cargo and fishing vessels

3.4 Initial surveys

- (1) An initial survey of the structure, machinery and equipment must be carried out:
 - (a) before the vessel is put into service; and
 - (b) before a certificate of survey for a cargo or fishing vessel is issued for the vessel for the first time.
- (2) The initial survey must be a complete survey of the structure, stability, machinery, arrangements and material including the outside of the hull and the inside and outside of the boilers and equipment.
- (3) The survey must determine if the following comply with the Marine Orders:
 - (a) the arrangements, material and scantlings of the structure, boilers and other pressure vessels and their attachments;
 - (b) main and auxiliary machinery, including steering gear and associated control systems;
 - (c) electrical installations and radio installations, including those used in life-saving appliances;
 - (d) fire protection, fire safety systems and appliances;
 - (e) life-saving appliances and arrangements;
 - (f) shipborne navigational equipment, nautical publications and pilot transfer equipment;
 - (g) navigation lights and means of making sound signals and distress signals.

3.5 Renewal surveys — general

- (1) A renewal survey of a vessel for which a certificate of survey for a cargo or fishing vessel has been issued must be carried out at intervals of no more than 5 years after the initial survey is completed.
- (2) A renewal survey must determine whether the vessel complies with the Marine Orders for the matters mentioned in subclause 3.1(3).

3.6 Additional surveys

- (1) This section applies if:
 - (a) the safety of a vessel or its equipment or life-saving appliances is affected by a marine incident involving the vessel or a defect on the vessel; or
 - (b) a vessel undergoes a major renewal or repair.

- (2) The owner or master of the vessel must, within 7 days, tell the issuing body that issued the certificate the details of the marine incident, defect or major repair on the vessel.

Note For reporting of marine incidents to AMSA — see section 48.

- (3) AMSA or the recognised organisation may require that an additional survey of the vessel be conducted.
- (4) An additional survey must determine:
 - (a) if the vessel's equipment and life-saving appliances are in good working order; and
 - (b) whether the vessel complies with the Marine Orders for the matters mentioned in subclause 3.1(3).

3.7 Inspection of the bottom of the vessel

A vessel must have dry-dock inspections of the outside of the bottom of the vessel in accordance with section 40.

Note The owner of a vessel may apply to AMSA for approval of an in-water inspection to replace a dry-dock inspection — see subsection 41(1).

3.8 Annual surveys

- (1) An annual survey must be carried out within 3 months before or after each anniversary date of the certificate.
- (2) An annual survey must include a general inspection of the matters mentioned in subclause 3.1(3) to ensure that they:
 - (a) have been properly maintained; and
 - (b) remain satisfactory for the intended service of the vessel.

3.9 Intermediate/periodic surveys

An intermediate/periodic survey of a vessel:

- (a) must be carried out within 3 months before or after either the second or third anniversary date of the certificate; and
- (b) takes the place of the annual survey in the year in which it is conducted; and
- (c) must determine if the matters mentioned in subclause 3.1(3) comply with the Marine Orders.

Notes to Marine Order 31 (Vessel surveys and certification) 2015

Note 1

Marine Order 31 (Vessel surveys and certification) 2015 (in force under subsection 342(1) of the *Navigation Act 2012*) as shown in this compilation comprises *Marine Order 31 (Vessel surveys and certification) 2015* 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 31 (Vessel surveys and certification) 2015</i> (MO 2015/1)	6 Feb 2015	F2015L00122	16 February 2015	–
<i>Marine Order 31 (Vessel surveys and certification) Amendment 2015</i> (No. 1) (MO 2015/5)	12 Oct 2015	F2015L01645	13 October 2015	–
<i>Marine Order 31 (Vessel surveys and certification) Amendment 2016</i> (No. 1) (MO 2016/2)	25 Feb 2016	F2016L00143	1 March 2016	–
<i>Marine Order 81 (Administration amendment) 2016</i> (MO 2016/18)	12 Dec 2016	F2016L01915	13 December 2016	–
<i>Marine Order 31 (Vessel surveys and certification) Amendment 2016</i> (No. 2) (MO 2016/22)	13 Dec 2016	F2016L01931	1 January 2017	–

Table of amendments

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

Provision affected	How affected
1A	rep. <i>Legislative Instruments Act 2003</i> , s. 48D
1B	rep. <i>Legislative Instruments Act 2003</i> , s. 48C
2	am. 2015/5
4	am. 2015/5, am. 2016/2, am. 2016/18
43	am. 2016/2, am. 2016/18, am. 2016/22
47	am. 2016/18
48	rep. 2016/18
Schedule 1	am. 2016/18
Schedule 2	am. 2015/5, am. 2016/2, am. 2016/18