



Australian Government
Australian Maritime Safety Authority

AMSA MO 2016/11

**Marine Order 502 (Vessel identifiers — national law) Amendment 2016
(No. 1)**

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

22 June 2016

Michael Kinley
Chief Executive Officer

1 Name of Order

This Order is *Marine Order 502 (Vessel identifiers — national law) Amendment 2016 (No. 1)*.

2 Commencement

This Order commences on 1 July 2016.

3 Amendment of *Marine Order 502 (Vessel identifiers — national law) 2013*

Schedule 1 amends *Marine Order 502 (Vessel identifiers — national law) 2013*.

Schedule 1 Amendment

[1] After subsection 4(2)

insert

- (2A) Section 75 of the national law provides for the regulations to provide for matters in relation to unique identifiers.
- (2B) Subsection 76(1) of the national law provides for the regulations to prescribe specified matters about unique identifiers including the persons who may make applications.
- (2C) Paragraph 77(1)(a) of the national law provides for the regulations to set out the criteria to be satisfied for the National Regulator to issue unique identifiers.

[2] After subsection 4(4)

insert

- (4A) Section 162 of the national law provides that the regulations may prescribe penalties for offences against the regulations.

[3] Subsection 4(5)

omit

Section 163

insert

Subsection 163(1)

[4] Section 5

substitute

5 Definitions

In this Order:

old unique identifier has the meaning given by subsection 14(1) of the *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013*.

Note 1 Some terms used in this Order are defined in *Marine Order 1 (Administration — national law) 2013*, including ***national law*** and ***National Law Act***.

Note 2 Other terms used in this Order are defined in the national law, including:

- domestic commercial vessel

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- National Regulator
 - unique identifier.

[5] Subsection 6(1)

substitute

- (1) For subsection 30(1) of the national law, the person who may apply to the National Regulator for the issue of a unique identifier for a domestic commercial vessel is the owner of the vessel.

[6] Section 7

substitute

7 Criterion for issue of unique identifier

For paragraph 31(1)(b) of the national law, the criterion for issue of a unique identifier for a domestic commercial vessel is that a unique identifier has not been previously issued by the National Regulator for the vessel.

Note 1 An application for the unique identifier must have been made under section 30 of the national law — see paragraph 31(1)(a) of the national law.

Note 2 The National Regulator may issue a unique identifier for a domestic commercial vessel that holds an *old unique identifier* because an *old unique identifier* is not issued by the National Regulator but by an agency of a State or the Northern Territory before 1 July 2013 — see definition of *old unique identifier*.

[7] Section 8

substitute

8 Display of unique identifier

- (1) For paragraphs 34(1)(b) and 35(1)(b) of the national law, a unique identifier must be displayed within 21 days of being issued:
- (a) in a prominent place on both sides of the vessel:
 - (i) using letters and numbers at least:
 - (A) for a vessel less than 30 m long — 10 cm high;
 - (B) for a vessel at least 30 m long — 15 cm high; and
 - (C) for a vessel with insufficient freeboard or topsides to comply with subparagraphs (A) or (B) — 5 cm high; and
 - (ii) in a colour that contrasts with its background; and
 - (iii) so that it is clearly readable in clear weather; or
 - (b) in another way approved in writing by the National Regulator.
- (2) The National Regulator may approve another way of displaying a unique identifier if:
- (a) the owner provides to the National Regulator:
 - (i) a written statement explaining why the vessel's structure prevents compliance with paragraph (1)(a); and
 - (ii) at least 1 document supporting the statement mentioned in subparagraph (a)(i); and
 - (b) the owner has applied for approval in writing in the approved form.

[8] Section 9

substitute

9 Notification requirements

- (1) The owner of a vessel for which a unique identifier is issued must tell the National Regulator within 14 days of any of the following events:
- (a) transfer of ownership of the vessel;
 - (b) sinking or scrapping of the vessel;
 - (c) if the vessel ceases to be a domestic commercial vessel.

Penalty: 50 penalty units.

- (2) An offence against subsection (1) is a strict liability offence.

Note If a form is approved for the notification, the approved form must be used and is available on the AMSA website at <http://www.amsa.gov.au> — see *Marine Order 501 (Administration — National Law) 2013*.

Note

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