



Australian Government

Australian Maritime Safety Authority

AMSA MO 2019/2

Marine Order 31 (SOLAS and non-SOLAS certification) 2019

I, Brad Groves, Acting Chief Executive Officer of the Australian Maritime Safety Authority, make this Marine Order under subsection 342(1) of the *Navigation Act 2012*.

9 October 2019

Brad Groves

Acting Chief Executive Officer

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Division 1 Preliminary

1 Name of Marine Order

This Marine Order is *Marine Order 31 (SOLAS and non-SOLAS certification) 2019*.

1A Commencement

This Marine Order commences on 1 November 2019.

1B Repeal of Marine Orders

Marine Order 31 (Vessel surveys and certification) 2015 and *Marine Order 62 (Government vessels) 2003* are repealed.

2 Purpose

This Marine Order:

- (a) prescribes matters in relation to the issue of safety certificates for regulated Australian vessels; and
- (b) provides for inspection and maintenance plans for cargo vessels that are ≤ 10 m in length; and
- (c) provides requirements for foreign vessels including certification; and
- (d) provides notification requirements for planned tows and other reporting matters; and
- (e) gives effect to Chapter I and Chapter VIII of SOLAS.

3 Power

- (1) The following provisions of the Navigation Act provide for this Marine 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) section 314 which provides for regulations to be made prescribing matters for the application for certificates and, among other things, the criteria for issue, variation and revocation of certificates, the conditions which certificates are subject to and the time certificates cease to be in force;
 - (e) subparagraph 339(2) which provides for regulations to be made relating to specified matters for the safe operation of vessels;
 - (f) paragraph 340(1)(a) which provides that the regulations may give effect to SOLAS.
- (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 Definitions

In this Marine Order:

approved inspection and maintenance plan means a plan approved under section 26.

approved reactor installation means an installation approved under section 34.

approved safety assessment means an assessment approved under section 35.

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 on completion of surveys or inspections verifying that the vessel is in compliance with its rules and regulations for the standards of hull, machinery, boilers, electrical equipment and control systems.

classification society means a non-government organisation that:

- (a) establishes and maintains technical standards for the construction and operation of vessels and offshore structures; and
- (b) verifies compliance with its rules and regulations.

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 amended from time to time.

ESP Code means the *International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011*, adopted by IMO Resolution A.1049 (27), as in force from time to time.

ISM Code means the *International Safety Management (ISM) Code* that has the same meaning as in Regulation 1 of Chapter IX of SOLAS.

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 amended from time to time.

offshore industry unit means a vessel that:

- (a) is for use in any operational activity mentioned in subclause 4(1) or 4(5A) of Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; and
- (b) does not include a vessel mentioned in subclause 4(6) of that schedule.

Note 1 The definition includes a vessel described in paragraph (a) whether or not the vessel is located in **Commonwealth waters** that has the meaning given by the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

Note 2 An offshore industry unit does not include a thing that is not a vessel such as a structure. See section 14 of the Navigation Act for the meaning of **vessel**.

partially smooth waters means waters where the wave height is up to 1.5 m from trough to crest for at least 90 per cent of the time.

planned tow, for a vessel, means a tow:

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

smooth waters means waters where the wave height is up to 0.5 m from trough to crest for at least 90 per cent of the time.

Survey Guidelines under the Harmonised System of Survey and Certification means the *Survey Guidelines under the Harmonised System of Survey and Certification (HSSC), 2017*, adopted by IMO Resolution A. 1120(30), as amended from time to time.

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

Note 2 Some terms used in this Marine Order are defined in *Marine Order 1 (Administration) 2013*, including:

- cargo vessel
- fishing vessel
- length
- passenger vessel
- SOLAS
- USL Code.

Note 3 Other terms used in this Marine Order are defined in the Navigation Act, including:

- foreign vessel
- Government vessel
- 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
- vessel.

Note 4 For delegation of AMSA's powers under this Marine Order — see the AMSA website Marine Orders link at <http://www.amsa.gov.au>.

5 Interpretation

(1) In this Marine Order:

- (a) a term that is used but is not defined for this Marine Order, and is defined in SOLAS, has the meaning given by SOLAS; and

- (b) mention of the *Survey Guidelines under the Harmonised System of Survey and Certification* is taken to be a reference to the Guidelines as if in force internationally on a mandatory basis; and
- (c) a reference in Schedules 1 to 3 to ***complies with*** means, in relation to a Marine Order, compliance with a requirement of the Marine Order that applies to the vessel or its equipment to the extent it has not been disapplied by any exemption or replaced by any approved equivalent.

Note for paragraph (b) Mention of ***should*** in the Guidelines is taken to be mention of ***must***.

- (2) For Regulation 11(c) of Chapter I of SOLAS, the appropriate authority for Australia is AMSA.
- (3) The reference in SOLAS to ***the Administration*** is taken to mean:
 - (a) for a regulated Australian vessel — AMSA; or
 - (b) for a foreign vessel — the government of the country whose flag the vessel is entitled to fly.
- (4) The reference in the *Survey Guidelines under the Harmonised System of Survey and Certification* to ***cargo ship*** is taken to include a fishing vessel for Subdivision 2.2 and Schedule 2.

6 Application

- (1) This Marine Order applies to:
 - (a) a regulated Australian vessel; and
 - (b) a foreign vessel.
- (2) However, this Marine Order does not apply to a vessel that is an offshore industry unit.

Note See *Marine Order 47 (Offshore industry units) 2019* for requirements that apply to offshore industry units for SOLAS and non-SOLAS certificates.

Division 2 Safety certificates

Subdivision 2.1 SOLAS certificates

7 SOLAS certificates required

- (1) A regulated Australian vessel must have a safety certificate of a kind specified in Schedule 1 in accordance with Regulation 12 of Chapter I or Regulation 10 of Chapter VIII of SOLAS.

Note 1 A cargo vessel >300 GT must have a Cargo Ship Safety Radio Certificate.

Note 2 It is an offence under sections 103 and 104 of the Navigation Act if a vessel is taken to sea without a safety certificate of a specified kind in force for the vessel.

- (2) A certificate specified in Schedule 1 is also referred to as a SOLAS certificate in this Marine Order.

Note For government vessels, reference should be made to the AMSA website at <http://www.amsa.gov.au> to ascertain if any exemption has been granted from the requirements of this Marine Order.

8 Applying for SOLAS certificates

- (1) For subsection 99(1) of the Navigation Act, a SOLAS certificate is specified as a safety certificate for which a person may apply.

- (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 SOLAS certificate.

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 Marine 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.

9 Criteria for issue of SOLAS certificates

For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of a SOLAS certificate are:

- (a) for a certificate of a kind specified in Schedule 1 — those mentioned for the certificate in that schedule; and
- (b) if the vessel has an arrangement with a classification society for survey and inspection — a valid certificate of classification; and
- (c) if the vessel has fitted a fixed diving system constructed after 23 November 1995 — the vessel has a diving safety certificate that is issued by a recognised organisation in accordance with the *Code of Safety for Diving Systems, 1995*.

10 Conditions of SOLAS certificates

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

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

11 Endorsements of SOLAS certificates

An issuing body may endorse a SOLAS certificate following the completion of any survey or inspection of the outside of the bottom of the vessel.

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 of SOLAS 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, Regulation 10(c) for endorsement of Cargo Ship Safety Construction Certificates.

12 Duration of SOLAS certificates

- (1) A SOLAS certificate comes into force in accordance with Regulation 14 of Chapter I, or Regulation 10 of Chapter VIII, of SOLAS.
- (2) A SOLAS certificate remains in force for the period mentioned in the following table for the kind of certificate mentioned unless:
 - (a) a shorter period is specified in the certificate; or
 - (b) the certificate ceases to be in force in accordance with Regulation 14 of Chapter I, or Regulation 10 of Chapter VIII, of SOLAS.

Kind of certificate (SOLAS)	Maximum period duration
Passenger Ship Safety Certificate	1 year
Cargo Ship Safety Construction Certificate	5 years
Cargo Ship Safety Equipment Certificate	5 years
Cargo Ship Safety Radio Certificate	5 years
Cargo Ship Safety Certificate	5 years
Nuclear Passenger Ship Safety Certificate	1 year
Nuclear Cargo Ship Safety Certificate	1 year

Note Regulation 14 of Chapter I of SOLAS provides a certificate to which it applies ceases to be in force if surveys are not completed within the periods mentioned, the certificate is not endorsed or if the vessel transfers its flag to another State.

13 Criteria for variation of SOLAS certificates

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

- (a) the conditions on the certificate have been complied with; and
- (b) the variation is in accordance with Regulation 14 of Chapter I of SOLAS.

Note See paragraphs (c) to (f) and subparagraph (h)(i) of Regulation 14 of Chapter I of SOLAS. A variation may appear in the form of an endorsement on a certificate.

14 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 is likely to be, breached; or
- (b) the owner of the vessel for which the certificate is issued has requested the revocation; or
- (c) the certificate contains incorrect information.

Subdivision 2.2 Non-SOLAS certificates

15 Application of subdivision

This subdivision applies to a vessel that is:

- (a) a passenger vessel; or
- (b) a cargo vessel >10 m in length.

16 Non-SOLAS certificates required

- (1) A regulated Australian vessel must have a safety certificate specified in Schedule 2 if the vessel is not required under this Marine Order to be issued a certificate specified in Schedule 1 in accordance with Regulation 12 of Chapter I, or Regulation 10 of Chapter VIII, of SOLAS.
- (2) However, a regulated Australian vessel that is a cargo vessel <500 GT must have a certificate mentioned in Schedule 2.

Note A cargo vessel >300 GT must have a Cargo Ship Safety Radio Certificate — see section 7.

- (3) A certificate specified in Schedule 2 is a safety certificate and is also known as a non-SOLAS certificate.

Note For government vessels, reference should be made to the AMSA website at <http://www.amsa.gov.au> to ascertain if any exemption has been granted from the requirements of this Marine Order.

17 Applying for non-SOLAS certificates

- (1) For subsection 99(1) of the Navigation Act, a non-SOLAS certificate is specified as a safety certificate for which a person may apply.
- (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 non-SOLAS certificate.

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 Marine 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.

18 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 are:

- (a) those mentioned for the kind of certificate specified in Schedule 2; and
- (b) for a cargo vessel >300 GT — it has a Cargo Ship Safety Radio Certificate; and
- (c) if the vessel has an arrangement with a classification society for survey and inspection — the vessel has a valid certificate of classification; and
- (d) if the vessel has fitted a fixed diving system constructed after 23 November 1995 — the vessel has a diving safety certificate that is issued by a recognised organisation in accordance with the *Code of Safety for Diving Systems, 1995*.

19 Conditions of non-SOLAS certificates

For paragraph 100(2)(a) of the Navigation Act, the conditions for a non-SOLAS certificate are:

- (a) the conditions mentioned for the certificate specified in Schedule 2; and
- (b) the certificate must be endorsed following the completion of the annual survey, intermediate survey or inspection of the outside of the bottom of the vessel.

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

20 Endorsements of non-SOLAS certificates

The issuing body may endorse a non-SOLAS certificate following the completion of the annual survey, intermediate survey or inspection of the outside of the bottom of a vessel.

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

21 Duration of non-SOLAS certificates

- (1) A certificate comes into force on the day specified in the certificate, and if no day is so specified, on the day which it is issued.
- (2) However, for a vessel that has an existing non-SOLAS certificate that has not expired, the new certificate comes into force on completion of the renewal survey.
- (3) A non-SOLAS certificate remains in force for the period specified in the following table for the kind of certificate mentioned unless a shorter period is specified in the certificate.

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

Note 1 The certificates indicated with an asterisk (*) may be issued in parts corresponding to the areas that would be covered by SOLAS certification, ie, Safety Construction, Safety Equipment and Safety Radio.

Note 2 A certificate that has expired before completion of the vessel's renewal survey may be issued a certificate for a shorter period than the maximum period specified consistent with the duration requirements for SOLAS certificates that are subject to Regulation I/14 of SOLAS.

- (4) A non-SOLAS certificate ceases to be in force if:
 - (a) the vessel ceases to be registered in Australia; or
 - (b) any survey or inspection is not completed in accordance with this Marine Order; or
 - (c) the certificate is not endorsed in accordance with this Marine Order; or
 - (d) the certificate is replaced by re-issue.

22 Criteria for variation of non-SOLAS certificates

- (1) For subsection 101(1) of the Navigation Act, the criteria for variation of a non-SOLAS certificate are:
 - (a) the conditions on the certificate issued for the vessel have been complied with; and
 - (b) if the variation is for the harmonisation of survey frequency for a vessel that has both a Certificate of Survey for a Passenger Vessel and Certificate of Survey for a Cargo Vessel:
 - (i) the operational area stated on the Certificate of Survey for a Passenger Vessel is more restricted than the operational area stated on the Certificate of Survey for a Cargo Vessel; and
 - (ii) AMSA is satisfied that the replacement survey frequency is at least as effective as the survey frequency required under this Marine Order for a Certificate of Survey for a Passenger Vessel; and
 - (c) if the variation is an extension of the expiry date of the certificate — the vessel is of a kind mentioned in subsection (2).

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

- (2) For a variation that is an extension of the expiry date of the certificate — AMSA may extend the expiry date for the period and subject to the conditions specified in the following table.

Item	Kind of vessel	Period	Conditions
1	A vessel that is not in the port where it is to be surveyed when the certificate expires	<p>(a) A passenger vessel that is not self propelled and is engaged on short international voyages — up to 1 month from certificate expiry</p> <p>(b) Other vessels — 3 months from certificate expiry</p>	<p>(a) The vessel must travel only to the port where it is to be surveyed</p> <p>(b) The vessel must not leave the port where it is surveyed without a new certificate of the same kind</p>
2	A cargo or passenger vessel that has completed a renewal survey but the new certificate cannot be issued or placed on board the vessel before expiry date of the existing certificate	Up to 5 months from certificate expiry	The existing certificate must be endorsed by the issuing body
3	A passenger vessel with certificate issued for a period less than 5 years	Up to 5 years from certificate commencement	Surveys and inspections are completed in accordance with this Marine Order as if the vessel were a cargo vessel
4	A cargo vessel with a certificate issued for a period less than 5 years	Up to 5 years from certificate commencement	Surveys and inspections are completed in accordance with this Marine Order

Note For the meaning of **short international voyage** — see Regulation 3 of Chapter III of SOLAS.

- (3) If an annual, intermediate or periodical survey of a cargo vessel is completed before the period required by this Marine Order:
- the anniversary date shown on the certificate may 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
 - the subsequent annual, intermediate or periodic survey must be completed at the required intervals using the new anniversary date; and
 - the expiry date shown on the certificate may remain unchanged if at least 1 annual, intermediate or periodical survey is completed so that the maximum intervals between the surveys are not exceeded.

23 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 is likely to be, breached; or
- (b) the owner of the vessel for which the certificate is issued has requested the revocation; or
- (c) the certificate contains incorrect information.

Subdivision 2.3 Inspection and maintenance plans for cargo vessels ≤10 m

24 Application of subdivision

This subdivision applies to a cargo vessel ≤10 m in length.

25 Inspection and maintenance plans required

- (1) The owner of a regulated Australian vessel must not take the vessel to sea, or cause or permit another person to take the vessel to sea, if the vessel does not have an approved inspection and maintenance plan.

Penalty: 50 penalty units.

- (2) An offence against subsection (1) is a strict liability offence.
- (3) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty: 50 penalty units.

26 Approval of inspection and maintenance plans

- (1) An owner of a regulated Australian vessel may apply to AMSA for an approval of an inspection and maintenance plan in accordance with *Marine Order 1 (Administration) 2013*.
- (2) AMSA may approve an inspection and maintenance plan if satisfied that:
 - (a) the vessel is designed and constructed in accordance with *Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2016*; and
 - (b) the criteria specified in Schedule 3 are met; and
 - (c) the plan is part of a safety management system for the vessel that complies with Part A of the ISM Code as if it were a vessel to which Chapter IX of SOLAS applies; and
 - (d) the plan includes the vessel's other operational, manning and maintenance arrangements.
- (3) The approval of an inspection and maintenance plan is subject to:
 - (a) each condition specified in Schedule 3; and
 - (b) audits being conducted by AMSA to verify ongoing compliance with the plan; and
 - (c) remedial action being taken to address non-compliance.

Division 3 Foreign vessels — certification

27 Foreign vessels

- (1) A foreign vessel must:
 - (a) have any certificate that is required by Regulation 12 of Chapter I, or Regulation 10 of Chapter VIII, of SOLAS; 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.
- (2) However, a foreign vessel that is not required to be issued a certificate in accordance with Regulation 12 of Chapter I, or Regulation 10 of Chapter VIII, of SOLAS 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.

Note Division 4 also provides for notification and reporting matters that apply to foreign vessels — see section 28, section 31 and section 32.

Note 2 It is an offence under sections 106 and 107 of the Navigation Act if a foreign vessel is taken to sea without a certificate of a specified kind in force for the vessel.

Division 4 Notification matters

28 Notification of planned tows

- (1) The owner or master of a vessel that is to tow in a planned tow must ensure that AMSA is notified of the planned tow at least 7 days before the tow commences.

Note 1 For the definition of **planned tow** — see section 4.

Note 2 For a planned tow, notification might be made by the registered agent, the operator of the towing vessel, or the P&I insurer.

Note 3 For guidance about planning safe tows — see IMO Circular MSC.1/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) The owner or master of a vessel that is to tow in a planned tow must:
 - (a) implement arrangements for a safe towage operation including:
 - (i) completion of satisfactory stability assessment; and
 - (ii) adequate towing equipment; and
 - (iii) appropriate manning; and
 - (iv) crew familiarization with responsibilities and duties; and
 - (v) safe transfer of personnel to and from tow, if applicable; and
 - (vi) weather forecasting and assessment of environmental conditions; and
 - (vii) emergency and contingency planning; and
 - (viii) adequate cargo securing, if applicable; and
 - (b) provide any information that AMSA requests in relation to the planned tow.

Note 1 Examples of information are:

1. Vessel stability information
2. A towing survey report
3. Seafarer certificates of competency and experience in undertaking a tow
4. Vessel certificates.

Note 2 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 also issue directions or if the inspector believes a person is not complying with requirements — see section 264 of the Act.

- (3) AMSA may conduct, or arrange for the conduct of, a towing assessment for the planned tow.

29 Notification of alterations, major renewal or repair on vessel

- (1) 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 of making the alteration.

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>.

- (2) The owner or master of a regulated Australian vessel must also inform AMSA and the issuing body of the details of any major renewal or major repair on the vessel within 7 days of completion of the renewal or repair.

Note Sections 185 and 186 of the Navigation Act also impose an obligation on an owner and master for the reporting of marine incidents to AMSA. Section 23A of *Marine Order 1 (Administration) 2013* prescribes matters in relation to reporting under sections 185 and 186.

30 Reporting of defects on a regulated Australian vessel

- (1) If a defect is discovered on a regulated Australian vessel, 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 meaning given by Regulation 11(c) of Chapter I of SOLAS.

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 sections 185 and 186 of the Navigation Act, the owner and master of a vessel have reporting obligations in relation to marine incidents. Section 23A of *Marine Order 1 (Administration) 2013* prescribes matters for sections 185 and 186.

31 Reporting by vessel that is nuclear vessel (SOLAS, Chapter VIII, Regulation 7(b))

- (1) The owner or master of a regulated Australian vessel to which Chapter VIII of SOLAS applies must provide to the government of a country that it is to visit a copy of the vessel's safety assessment sufficiently in advance before the arrival of the vessel.

Penalty: 50 penalty units.

- (2) The owner or master of a foreign vessel to which Chapter VIII of SOLAS applies must provide to AMSA a copy of the vessel's safety assessment sufficiently in advance before the arrival of the vessel in its first port in Australia.
- Penalty: 50 penalty units.
- (3) An offence against subsection (1) or (2) is a strict liability offence.
- (4) A person is liable to a civil penalty if the person contravenes subsection (1) or (2).

Civil penalty: 50 penalty units.

Note **Sufficiently in advance** is taken to mean as soon as possible. This may be as soon as the vessel's voyage or routing plan identifying intended ports of call is determined but at least 12 months before arrival.

32 Marine incidents

For paragraph (l) of the definition of *marine incident* in subsection 14(1) of the Navigation Act, damage to a vessel is prescribed if:

- (a) it has become, or is likely to become, an environmental hazard; and
- (b) the vessel is subject to Chapter VIII of SOLAS.

Division 5 Approval matters

33 Approval of in-water inspections

- (1) The owner of a vessel may apply to AMSA for approval of an in-water inspection to replace any of the dry-dock inspections required under this Marine Order.

Note 1 For a SOLAS certificate, the effect of Regulations 7 and 10 of Chapter I and Regulation 9 of Chapter VIII of SOLAS and the *Survey Guidelines under the Harmonised System of Survey and Certification* is that a vessel is required to have 2 dry-dock inspections in the applicable validity period of a SOLAS certificate.

Note 2 For a non-SOLAS certificate, the dry-dock inspection requirements are specified in Division 3.

- (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.

- (3) AMSA may approve inspection of the bottom of the vessel to be conducted in-water, in lieu of a dry-dock inspection, if:
- (a) for a vessel that is participating in an extended dry-docking scheme — AMSA is satisfied that the scheme:
 - (i) is approved by the classification society for the vessel; and
 - (ii) complies with IACS Rec. No 133 *Guidelines for Pilot Schemes of Extended Interval between Surveys in Dry-dock – Extended Dry-docking (EDD) Scheme*, as amended from time to time; and
 - (b) for a vessel that is not participating in an extended dry-docking scheme:
 - (i) the vessel is not a ro-ro passenger vessel; and

- (ii) for a vessel to which the ESP Code applies — the in-water inspection is not combined with the renewal survey; and
- (iii) the vessel is less than 15 years old; and
- (c) AMSA is satisfied that the in-water inspection is at least as effective as a dry-dock inspection.

Note for paragraph (c) For passenger vessels, AMSA may take into account MSC.1/Circ.1348 *Guidelines for the assessment of technical provisions for the performance of an in-water survey in lieu of bottom inspection in dry-dock to permit one dry-dock examination in any five year period for passenger ships other than ro-ro passenger ships* and as amended from time to time.

- (4) The approval is subject to the following conditions:
 - (a) for a vessel that is participating in an extended dry-docking scheme — any condition imposed by AMSA; and
 - (b) for a vessel that is not participating in an extended dry-docking scheme:
 - (i) the in-water inspection is in accordance with *Survey Guidelines under the Harmonised System of Survey and Certification*;
 - (ii) the interval between consecutive inspections in dry-dock does not exceed 60 months unless Regulation I/14(e) and (f) of Chapter I of SOLAS applies;
 - (iii) the interval between 2 consecutive inspections of the outside of the vessel's bottom does not exceed 36 months.

34 Approval of reactor installations for nuclear vessels

(SOLAS, Chapter VIII, Regulation 4)

- (1) An owner of a regulated Australian vessel may apply for approval of a reactor installation in accordance with *Marine Order 1 (Administration) 2013*.
- (2) AMSA may approve a reactor installation for a nuclear vessel if satisfied of the matters mentioned in Regulation 4 of Chapter VIII of SOLAS.

35 Approval of safety assessments for nuclear vessels

(SOLAS, Chapter VIII, Regulation 7(a))

- (1) An owner of a regulated Australian vessel may apply for an approval of a safety assessment in accordance with *Marine Order 1 (Administration) 2013*.
- (2) AMSA may approve a safety assessment for a nuclear vessel if satisfied of the matters mentioned in paragraph 7(a) of Chapter VIII of SOLAS.

Division 6 Other matters

36 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.

Schedule 1 SOLAS certificates — criteria for issue and conditions

(sections 7, 9, 10, 16, 18 and 35)

1.1 Passenger Ship Safety Certificate

Criteria	Conditions
The passenger vessel:	(1) The vessel and its equipment and appliances are maintained to comply with the Marine Orders mentioned in column 1.
(a) has been surveyed in accordance with Regulation 7 of Chapter I of SOLAS and <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> ; and	(2) Each survey or inspection of the vessel that is required by Regulation 7 of Chapter I of SOLAS is completed in accordance with that regulation and the <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> .
(b) complies with the following Marine Orders:	(3) After any survey or inspection mentioned in Regulation 7 of Chapter I of SOLAS 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> .	

1.2 Cargo Ship Safety Construction Certificate

Criteria	Conditions
The cargo vessel:	(1) The vessel and its equipment and appliances are maintained to comply with the Marine Orders mentioned in column 1.
(a) has been surveyed in accordance with Regulation 10 of Chapter I of SOLAS and <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> ; and	(2) Each survey or inspection of the vessel that is required by Regulation 10 of Chapter I of SOLAS is completed in
(b) complies with following Marine	

Criteria	Conditions
Orders:	accordance with that regulation and <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> .
(i) <i>Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2016;</i>	(3) Any endorsement required to be made to the certificate under Regulation 10 or 14 of Chapter I of SOLAS are made.
(ii) <i>Marine Order 15 (Construction — fire protection, fire detection and fire extinction) 2014.</i>	(4) After any survey mentioned in Regulation 10 of Chapter I of SOLAS 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.
<p><i>Note</i> Section 12 of <i>Marine Order 18 (measures to enhance maritime safety) 2013</i> requires a bulk carrier or oil tanker to complete surveys in accordance with Regulation 2 of Chapter XI-1 of SOLAS.</p>	

1.3 Cargo Ship Safety Equipment Certificate

Criteria	Conditions
The cargo vessel:	(1) The vessel and its equipment and appliances are maintained to comply with the Marine Orders mentioned in column 1.
(a) has been surveyed in accordance with Regulation 8 of Chapter I of SOLAS and <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> ; and	(2) Each survey or inspection of the vessel that is required by Regulation 8 of Chapter I of SOLAS is completed in accordance with that regulation and <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> .
(b) complies with the following Marine Orders:	(3) Any endorsement required to be made to the certificate under Regulation 8 or 14 of Chapter I of SOLAS is made.
(i) <i>Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2016;</i>	(4) After any survey mentioned in Regulation 8 of Chapter I of SOLAS has been completed, any change to the structure, equipment, systems, fittings,
(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</i>	

Criteria	Conditions
— <i>lifesaving</i>) 2014; (v) <i>Marine Order 30 (Prevention of collisions)</i> 2016.	arrangements or material covered by the survey, other than the direct replacement of equipment or fittings, is approved by AMSA.

1.4 Cargo Ship Safety Radio Certificate

Criteria	Conditions
The cargo vessel:	(1) The vessel and its equipment and appliances are maintained to comply with the Marine Orders mentioned in column 1.
(a) has been surveyed in accordance with Regulation 9 of Chapter I of SOLAS and <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> ; and	(2) Each survey or inspection of the vessel that is required by Regulation 9 of Chapter I of SOLAS is completed in accordance with that regulation and <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> .
(b) complies with <i>Marine Order 27 (Safety of navigation and radio equipment)</i> 2016.	(3) Any endorsement required to be made to the certificate under Regulation 9 or 14 of Chapter I of SOLAS are made.
	(4) After any survey or inspection mentioned in Regulation 9 of Chapter I of SOLAS 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.

1.5 Cargo Ship Safety Certificate

Criteria	Conditions
The cargo vessel:	(1) The vessel and its equipment and appliances are maintained to comply with the Marine Orders mentioned in column 1.
(a) has been surveyed in accordance with Regulations 8, 9 and 10 of Chapter I and <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> ; and	(2) Each survey or inspection of the vessel that is required by Regulation 8, 9 or 10 of Chapter I of SOLAS is
(b) complies with the following	

Criteria	Conditions
Marine Orders:	completed in accordance with that regulation and <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> .
(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>	(3) Any endorsement required to be made to the certificate under Regulations 8, 9, 10 and 14 of Chapter I of SOLAS is made.
(iii) <i>Marine Order 21 (Safety and emergency arrangements) 2016;</i>	(4) After any survey or inspection mentioned in Regulations 8, 9 and 10 of Chapter I of SOLAS 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.
(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>	
<p><i>Note</i> Section 12 of <i>Marine Order 18 (measures to enhance maritime safety) 2013</i> requires a bulk carrier or oil tanker to complete surveys in accordance with Regulation 2 of Chapter XI-1 of SOLAS.</p>	

1.6 Nuclear Passenger Ship Safety Certificate

Criteria	Conditions
The passenger vessel:	(1) The vessel and its equipment and appliances are maintained to comply with the Marine Orders mentioned in column 1.
(a) has an approved reactor installation; and	
(b) has an approved safety assessment; and	(2) Each survey of the vessel that is required in accordance with Regulation 7 or 10 of Chapter I of SOLAS is completed in accordance with that regulation and <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> .
(c) has been surveyed in accordance with Regulation 10(b) of Chapter VIII of SOLAS and <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> ; and	
(d) complies with the following Marine Orders:	(3) After the survey mentioned in Regulation 10(b) of Chapter VIII of SOLAS has been completed, any change to the structure, equipment, systems, fittings, arrangements or material covered by the survey, other than the direct
(i) <i>Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2016;</i>	
(ii) <i>Marine Order 15 (Construction — fire protection,</i>	

Criteria	Conditions
<i>fire detection and fire extinction</i>) 2014; (iii) <i>Marine Order 21 (Safety and emergency arrangements)</i> 2016; (iv) <i>Marine Order 25 (Equipment — lifesaving)</i> 2014; (v) <i>Marine Order 27 (Safety of navigation and radio equipment)</i> 2016; (vi) <i>Marine Order 30 (Prevention of collisions)</i> 2016.	replacement of equipment or fittings, is approved by AMSA.

1.7 Nuclear Cargo Ship Safety Certificate

Criteria	Conditions
The cargo vessel: (a) has an approved reactor installation; and (b) has an approved safety assessment; and (c) has been surveyed in accordance with Regulation 10(c) of Chapter VIII of SOLAS and <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> ; and (d) complies with the following Marine Orders: (i) <i>Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations)</i> 2016; (ii) <i>Marine Order 15 (Construction — fire protection, fire detection and fire extinction)</i> 2014; (iii) <i>Marine Order 21 (Safety and emergency arrangements)</i> 2016; (iv) <i>Marine Order 25 (Equipment — lifesaving)</i> 2014; (v) <i>Marine Order 27 (Safety of navigation and radio equipment)</i> 2016; (vi) <i>Marine Order 30 (Prevention of</i>	(1) The vessel and its equipment and appliances are maintained to comply with the Marine Orders mentioned in column 1. (2) Each survey of the vessel that is required in accordance with Regulation 8, 9 or 10 of Chapter I of SOLAS is completed in accordance with that regulation and <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> . (3) After the survey mentioned in Regulation 10(c) of Chapter VIII of SOLAS 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.

Criteria	Conditions
<i>collisions) 2016.</i>	

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

(sections 16, 18, 19 and 26)

2.1 Certificate of Survey for a Passenger Vessel

Criteria	Conditions
The passenger vessel:	(1) The vessel and its equipment and appliances are maintained to comply with the Marine Orders mentioned in column 1.
(a) has completed an initial survey or renewal survey mentioned in the <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> as if surveyed for a Passenger Ship Safety Certificate; and	(2) Completes each survey or inspection mentioned in the <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> as if surveyed for a Passenger Ship Safety Certificate.
(b) complies with the following Marine Orders:	(3) Any endorsement required to be made to the certificate under this Marine Order is made.
(i) <i>Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2016</i> ;	(4) After any survey 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.
(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> ;	
(vii) <i>Marine Order 58 (Safe management of vessels) 2015</i> as if it were a vessel to which Chapter IX of SOLAS applies.	

2.2 Certificate of Survey for a Cargo Vessel >10 m in length (other than a Fishing Vessel)

Criteria	Conditions
For a cargo vessel that is >10 m in length (other than a fishing vessel) — the vessel has:	(1) The vessel and its equipment and appliances are maintained to comply with the Marine Orders

Criteria	Conditions
<p>(a) has completed an initial or renewal survey mentioned in the <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> as if surveyed for a Cargo Ship Safety Certificate; and</p> <p>(b) 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>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, as if it were a vessel to which Chapter IX of SOLAS applies.</p>	<p>mentioned in column 1.</p> <p>(2) Completes each survey or inspection mentioned in the <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> as if surveyed for a Cargo Ship Safety Certificate.</p> <p>(3) Any endorsement required to be made to the certificate under this Marine Order is made.</p> <p>(4) After any survey 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><i>Note</i> The safety management system may include the towing arrangement for any towed barge >10 m in length if the barge:</p> <p>(a) is not self-propelled; and</p> <p>(b) has no crew or passengers; and</p> <p>(c) does not carry oil or noxious substances; and</p> <p>(d) does not produce oil residues; and</p> <p>(e) has no arrangement for sewage.</p> <p>(6) If the vessel is <24 m in length 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 >10 m in length

Criteria	Conditions
<p>The fishing vessel:</p> <p>(a) has completed an initial or renewal survey mentioned in the <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> as if surveyed for a Cargo Ship Safety Certificate; and</p> <p>(b) 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>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, as if it were a vessel to which the Chapter IX of SOLAS applies.</p>	<p>(1) The vessel and its equipment and appliances are maintained to comply with the Marine Orders mentioned in column 1.</p> <p>(2) Completes each survey or inspection mentioned in the <i>Survey Guidelines under the Harmonised System of Survey and Certification</i> as if surveyed for a Cargo Ship Safety Certificate.</p> <p>(3) Any endorsement required to be made to the certificate under this Marine Order is made.</p> <p>(4) After any survey mentioned in Schedule 2 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.</p>

Schedule 3 Inspection and maintenance plans — criteria and conditions for approval

(section 26)

3.1 Inspection and maintenance plan for cargo vessels ≤10 m in length

Criteria	Conditions
For a cargo vessel that is ≤10 m in length:	(1) The vessel and its equipment and appliances are maintained to comply with the Marine Orders mentioned in column 1.
(a) the vessel and its equipment has been inspected by AMSA; and	
(b) it is assigned:	(2) Each inspection of the vessel and its equipment required by the vessel's approved inspection and maintenance plan is completed.
(i) 2A service category restricted to 2C service operations or restricted to service within smooth or partially smooth waters; or	
(ii) 2C service category; or	
(iii) 2C service category restricted to service within smooth or partially smooth waters; and	
(c) it complies with the following Marine Orders:	
(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>	
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	

Criteria	Conditions
	<i>Company</i>) 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, as if it were a vessel to which Chapter IX of SOLAS applies.

Note

1. 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>.