



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

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AMSA MO 2024/[number]

**Marine Order 55 (Vessels carrying industrial personnel) 2024**

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

2024

**[DRAFT ONLY — NOT FOR SIGNATURE]**  
Chief Executive Officer

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## Division 1 Preliminary

### 1 Name of Order

This Marine Order is *Marine Order 55 (Vessels carrying industrial personnel) 2024*.

### 1A Commencement

This Marine Order commences on 1 July 2024.

### 2 Purpose

This Marine Order gives effect to the IP Code in accordance with Chapter XV of SOLAS, including:

- (a) the certification of vessels to demonstrate survey in accordance with the IP Code; and
- (b) arrangements for the safe carriage of industrial personnel.

*Note* The Industrial Personnel Code (IP Code), in addition to the cargo ship requirements in SOLAS and the cargo craft requirements in HSC Code, sets out requirements including for stability, machinery and electrical installations, fire safety, life-saving appliances and arrangements, carriage of dangerous goods, training of industrial personnel and personnel transfer arrangements.

### 3 Power

- (1) The following provisions of the Navigation Act provide for this Marine Order to be made:
  - (a) section 98 which provides that the regulations may provide for safety certificates;
  - (b) section 314 which provides that the regulations may provide for matters relating to certificates;
  - (c) subsection 339(2) which provides that the regulations may provide for the matters mentioned in that provision including the design and construction of vessels;
  - (d) paragraph 340(1)(a) which provides that the regulations may provide for giving effect to SOLAS;
  - (e) subsection 341(1) which provides that the regulations may provide for the imposition of penalties for a contravention of a provision of the regulations.
- (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 matters that can be provided for by regulation.

### 4 Definitions

In this Marine Order:

**HSC Code** has the same meaning as **1994 HSC Code** or **2000 HSC Code** given by *Marine Order 49 (High speed craft) 2015*.

**industrial personnel** has the same meaning as given by Regulation 1 of Chapter XV of SOLAS.

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*Note* Regulation 1 provides that *industrial personnel* means all persons transported or accommodated on board for the purpose of offshore industrial activities performed on board other ships or offshore facilities.

**IP Code** means the *International Code of Safety for Ships carrying Industrial Personnel* adopted by IMO Resolution MSC. 527(106), as in force from time to time.

**IP Ship Safety Certificate** means a certificate that is:

- (a) a safety certificate mentioned in section 9 for the survey of a vessel relating to structure, equipment, fittings, materials, personnel transfer appliances and arrangements, life-saving appliances, and carriage of dangerous goods; and
- (b) in the form of the certificate set out in Appendix of the IP Code with a record of equipment attached.

**responsible person** has the same meaning as in *Marine Order 32 (Cargo handling equipment) 2016*.

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

- IMO
- SOLAS.

*Note 2* Other terms used in this Marine Order are defined in the Navigation Act, including:

- foreign vessel
- issuing body
- master
- owner
- regulated Australian vessel
- safety certificate
- special personnel.

*Note 3* Information about obtaining copies of any IMO resolution that adopts or amends a code mentioned in this Marine Order is available on the AMSA website Marine Orders link at <https://www.amsa.gov.au>. The text of the original SOLAS convention and any amendments in force are in the Australian Treaty Series, accessible through the Australian Treaties Library on the AustLII website at <https://www.austlii.edu.au>.

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

## 5 Interpretation

- (1) For this Marine Order, the **Administration** is:
  - (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.
- (2) For this Marine Order, a vessel is taken to have been constructed when:
  - (a) the keel is laid; or
  - (b) construction identifiable with the vessel starts and the lesser of at least 50 tonnes, or 1% of the estimated mass of all structural material, of the vessel is assembled.

- (3) A term that is used in this Marine Order but is not defined for this Order, and is defined in SOLAS or the HSC Code or the IP Code, has the same meaning as in SOLAS or the HSC Code or the IP Code.

## 6 Application

This Marine Order applies to:

- (a) a regulated Australian vessel to which Chapter XV of SOLAS applies; and
- (b) other than Divisions 2 and 4 — a foreign vessel to which Chapter XV of SOLAS applies.

## Division 2 IP Ship Safety Certificate issued under the Navigation Act

### 7 Certificate required

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 regulated Australian vessel must have an IP Ship Safety Certificate if required under Regulation 5 of Chapter XV of SOLAS to be issued that certificate.

*Note 1* Regulation 5 of Chapter XV of SOLAS provides that a cargo vessel, or a high speed cargo craft, must have an IP Ship Safety Certificate if it is >500 GT, engaged on international voyages, and carries more than 12 industrial personnel.

*Note 2* Paragraph 3 of Regulation 2 of Chapter XV of SOLAS provides that wherever in the chapter, or in the IP Code, the number of industrial personnel appears as a parameter, it means the aggregate number of industrial personnel, special personnel and passengers carried on board, where the number of passengers must not exceed 12.

### 8 Applying for certificate

- (1) For subsection 99(1) of the Navigation Act (which enables a person to apply to an issuing body for a safety certificate specified in the regulations), an IP Ship Safety Certificate is specified.
- (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 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 certificate

For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of an IP Ship Safety Certificate are that:

- (a) the vessel must have a safety certificate of a kind that is:
  - (i) specified in Schedule 1 of *Marine Order 31 (SOLAS and non-SOLAS certification) 2019* and required in accordance with Regulation 12 of Chapter I or Regulation 10 of Chapter VIII of SOLAS; or
  - (ii) specified in section 10 of *Marine Order 49 (High-speed craft) 2015* and required in accordance with Chapter X of SOLAS; and

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- (b) the vessel, equipment and arrangements meet the following:
  - (i) functional requirements mentioned in Part II of the IP Code in relation to subdivision and stability, machinery installations, electrical installations, periodically unattended machinery spaces, fire safety, life-saving appliances and arrangements and dangerous goods; and
  - (ii) requirements mentioned in Part IV or Part V of the IP Code, that applies; and
- (c) the vessel has been surveyed in accordance with:
  - (i) section I/3 of the IP Code; and
  - (ii) Regulations 8, 9, and 10 of Chapter I of SOLAS or sections 1.5 to 1.9 of the HSC Code.

**10 Conditions of certificate**

- (1) For paragraph 100(2)(a) of the Navigation Act, an IP Ship Safety Certificate is subject to the following conditions:
  - (a) personnel transfer arrangements must be designed, constructed, tested and installed to meet both functional requirement in paragraph II/2.2.2 of the IP Code and any standards imposed by the issuing body;
  - (b) the design of the personnel transfer arrangements must be suitable for the arrangement on the vessel;
  - (c) an analysis must be prepared in order to evaluate failures in industrial personnel transfer arrangements and associated systems which might impair the availability of the transfer arrangements or endanger the safety of the persons involved;
  - (d) the manoeuvrability of the vessel together with the expected need for the vessel to keep position over time must be evaluated, to ensure the correct use of position-keeping equipment and the functional requirement in paragraph II/2.2.3 of the IP Code is met;
  - (e) procedures must be in place to ensure correct information on the number and identity of industrial personnel on board at all times to meet the functional requirement in paragraph II/2.2.4;
  - (f) annual, periodical and intermediate surveys must be completed in accordance with section I/3 of the IP Code and endorsed on the certificate;
  - (g) the carriage of dangerous goods must be transported in accordance with Part A of SOLAS Chapter VII;
  - (h) the vessel must continue to have a safety certificate of the kind mentioned in paragraph 9(a);
  - (i) after survey has been completed, any change to the structure, equipment, systems, fittings, arrangement or material covered by survey, other than the direct replacement of equipment or fittings, must be approved by AMSA.

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

- (2) For paragraph (1)(c), the analysis must include:
  - (a) the effects of failure for any equipment or systems that could affect the availability of the transfer arrangements due to single failure, fire in any space, or flooding of any watertight compartment; and

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- (b) provide solutions to ensure the availability of the industrial personnel transfer arrangements and the safety of persons.

### 11 Duration of certificate

- (1) An IP Ship Safety Certificate comes into force on the day on which it is issued.
- (2) An IP Ship Safety Certificate remains in force until the date specified in the certificate for expiry unless earlier revoked.

*Note 1* Section I/3.5 of the IP Code provides that validity and survey dates for the IP Ship Safety Certificate must be harmonised with SOLAS certificates in accordance with regulation 14 of Chapter I, or section 1.8 of HSC Code, of SOLAS.

*Note 2* Section 13 sets out the circumstances in which the duration of an IP Ship Safety Certificate may be varied.

### 12 Endorsement of certificate

For paragraph 10(1)(f), an endorsement on an IP Ship Safety Certificate must be made by an issuing body.

### 13 Variation of certificate

For section 101 of the Navigation Act, the criteria for variation of an IP Ship Safety Certificate are that:

- (a) the vessel has been surveyed in accordance with the IP Code; and
- (b) if the variation relates to matters mentioned in paragraphs (c), (d), (e), (f) and (h) of Regulation 14 of Chapter I of SOLAS or section 1.8 of HSC Code — the variation is in accordance with those provisions.

*Note* A variation may be in the form of an endorsement on an existing certificate allowing the certificate to be in force for a period beyond the date specified in the certificate for expiry.

### 14 Revocation of certificate

For section 102 of the Navigation Act, the criteria for revocation of an IP Ship Safety Certificate are that:

- (a) the certificate contains incorrect information; or
- (b) the owner of the vessel asks in writing that the vessel's certificate be revoked; or
- (c) a condition of the certificate has been, or is likely to be, breached; or
- (d) the vessel to which the certificate applies ceases to be registered in Australia.

## Division 3 Requirements for foreign vessels

### 15 Certificate required for foreign vessels

A vessel that is a foreign vessel must have a certificate that is issued in accordance with the IP Code.

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

### 16 Requirements for foreign vessels

- (1) A foreign vessel must comply with the requirements of Chapter XV of SOLAS and the IP Code that apply to the vessel.

- (2) However, a foreign vessel need only comply with regulations III/1, III/2 (except for paragraph 2.1.7), IV/7 and IV/8 of the IP Code before its first intermediate or renewal survey occurring after 1 July 2024, whichever occurs first, if the vessel was:
- (a) constructed before 1 July 2024; and
  - (b) permitted by its Administration to carry more than 12 industrial personnel in accordance with MSC Resolution 418(87).

## **Division 4 Other matters**

### **17 Personnel transfer appliances and arrangements — use, maintenance and implementation**

- (1) The master or owner of a regulated Australian vessel must ensure the following:
- (a) personnel transfer appliances and arrangements are to be kept clean, properly maintained and regularly inspected to ensure that they are safe to use;
  - (b) the rigging and use of the personnel transfer arrangements are supervised by a responsible person and operated by properly trained personnel;
  - (c) safety procedures are to be established and followed by personnel engaged in rigging and operating any mechanical equipment;
  - (d) means of communication is to be provided between the supervising responsible person and the navigation bridge;
  - (e) personnel transfer arrangements are to be permanently marked to enable identification of each appliance for the purposes of survey, inspection and record-keeping;
  - (f) a record of use and maintenance is to be kept on board the vessel;
  - (g) prior to commencing personnel transfer operations, the personnel transfer arrangement is to be checked to ensure it is functioning properly;
  - (h) means is to be provided to ensure safe and unobstructed passage for industrial personnel between the personnel transfer arrangements and where each person is being transported or accommodated on board;
  - (i) lighting capable of being supplied by the emergency source of power is to be provided to illuminate the personnel transfer arrangements, the water below the transfer arrangements and the passage specified in paragraph (h);
  - (j) the deck area for personnel transfer is to be designated and free from obstructions;
  - (k) a job safety analysis is to be:
    - (i) carried out when planning, and before undertaking, personnel transfer at sea; and
    - (ii) take into account environmental conditions, operational and equipment limitations;
  - (l) when planning personnel transfer, the following must be taken into account:
    - (i) *Guidance on safety when transferring persons at sea* (MSC-MEPC.7/Circ.10); and
    - (ii) *IMCA M202 Guidance on the transfer of personnel to/from offshore vessels and structures*; and



(iii) *Health and Safety in Shipboard Work including Offshore Support Vessels (Seacare Authority Code of Practice Approval).*

Penalty: 50 penalty units.

*Note* The safe transfer of personnel is an arrangement to be addressed in a vessel's safety management plan. *Marine Order 58 (Safe management of vessels) 2020* sets out operational obligations under the International Safety Management Code for vessels to which Chapter IX of SOLAS applies.

- (2) An offence against subsection (1) is a strict liability offence.
- (3) The master or owner is liable to a civil penalty if subsection (1) is contravened.
- Civil penalty: 50 penalty units.

## 18 Requirements for safety of industrial personnel during voyage

- (1) The master of a regulated Australian vessel must ensure the following in relation to each industrial personnel carried on board:
- (a) the person is at least 16 years of age and has documentary evidence of the person's physical and medical fitness acceptable to AMSA;
- (b) the person can demonstrate adequate knowledge of English or the working language on board in order to be able to communicate effectively and understand any instruction given by the vessel's crew;
- (c) the person has either of the following:
- (i) evidence of completion of Basic Offshore Safety Induction and Emergency Training (BOSIET) course approved by the Offshore Petroleum Industry Training Organisation (OPITO) or an equivalent course approved by AMSA;
- (ii) evidence of completion of a certificate of safety training approved by AMSA;
- (d) prior to leaving port, or immediately after boarding, the person has received onboard safety familiarization in relation to the vessel that includes:
- (i) the layout of the vessel; and
- (ii) the location of personal life-saving appliances, muster and embarkation stations, emergency escape routes and first aid stations; and
- (iii) the safety information, symbols, signs and alarms on board; and
- (iv) action to be taken in the event of an alarm sounding or the declaration of an emergency; and
- (e) the person must, prior to being transferred from the vessel, receive familiarization in the vessel's procedures, arrangements and any additional safety measure or equipment for the transfer of personnel to another vessel or offshore facility.

Penalty: 50 penalty units.

*Note for paragraph (a)* See the AMSA website at <https://www.amsa.gov.au> for information about the kind of documentation evidencing fitness that is acceptable to AMSA.

*Note for paragraph (c)* A certificate of safety training meets the requirements of STCW Convention, Annex, Chapter VI, regulation VI/1 and STCW Code section A-VI/6 paragraph 4.

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

- (3) The master is liable to a civil penalty if subsection (1) is contravened.  
Civil penalty: 50 penalty units.

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**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>.