

CCS Technical Information

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To: CCS Ship Surveyors, Auditors, Ship Owners and Managers

The Urgent Information Notice of "AMSA will implement tougher PSC detention measures since July 1, 2013 "

Australian Navigation Act 2012 will take effect on July 1, 2013. The implementation of the Act, authorise the AMSA higher law enforcement rights. In terms of PSC inspection, ship companies, please pay special attention to the following measures: The relevant ship owners and managers should be concerned and take necessary measures.

Since July 1, 2013, after the ship has been detained in Australian waters, AMSA will be forced to ship to stop loading/unloading and the use of the propulsion, until the vessel has been released from detention.

Section 249 (Navigation Act 2012) - Operating a detained vessel:

- (1) A person must not operate a vessel if:
 - (a) the vessel has been detained under subsection 248(1) (detention by AMSA) or 252(3) (detention by Customs); and
 - (b) the vessel has not been released from detention; and
 - (c) an inspector has not consented to the operation of the vessel by the person

Section 14 (Navigation Act 2012) - operate a vessel means:

- (a) determine or exercise control over the course or direction of the vessel or over the means of propulsion of the vessel, whether or not the vessel is underway; or
- (b) load or unload the vessel when it is moored or berthed.

This Society suggest that ship companies should take efforts to further strengthen the management of the vessels, provide sufficient material spare parts, supervise the pragmatic completion of the preparation and checking for port entry to ensure the vessels continue to conform to the requirements/standards by the crews, (advising ship companies could focus on The Information Notice about the common PSC Inspection Items in Australia (CCS CLASSIFICATION INFORMATION No. 193), and reminding the companies to issue this Notice to the vessels sailing to the Australian Water Area), to avoid PSC detentions.

Please refer to the attachment of this Notice for details.

This Notice is published on CCS website (www.ccs.org.cn) and is to be forwarded by CCS branches to shipping companies in relevance to their business area.

Hereby notify the above.

Classed Ship In Service Department
China Classification Society

For any questions, please contact the Classed Ship In Service Dept. of CCS Headquarters without hesitation.

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(d) tide tables.

navigates without a licensed pilot has the meaning given by section 21.

non-Convention tonnage certificate means a tonnage certificate other than an International Tonnage Certificate (1969).

non-Tonnage Convention vessel means a vessel to which the Tonnage Convention does not apply.

officer means the master, mate or engineer of a vessel.

officer of Customs means an Officer of Customs within the meaning of the *Customs Act 1901*.

official logbook means a logbook kept in accordance with regulations made for the purposes of section 309.

operate a vessel means:

- (a) determine or exercise control over the course or direction of the vessel or over the means of propulsion of the vessel, whether or not the vessel is underway; or
- (b) load or unload the vessel when it is moored or berthed.

opt-in declaration, in relation to a vessel, means a declaration under subsection 25(2) in relation to the vessel.

overloaded, in relation to a vessel, has the meaning given by regulations made for the purposes of paragraph 113(a).

overseas voyage: see section 16.

owner of a vessel means one or more of the following:

- (a) a person who has a legal or beneficial interest in the vessel, other than as a mortgagee;
- (b) a person with overall general control and management of the vessel;
- (c) a person who has assumed responsibility for the vessel from a person referred to in paragraph (a) or (b).

Section 249

- (b) state that the vessel has been detained; and
 - (c) specify the reason for the detention; and
 - (d) specify contact details of an inspector who can provide further information; and
 - (e) specify any conditions to which the detention of the vessel is subject.
- (4) The regulations may make provision in relation to the release of detained vessels.
- (5) AMSA may detain a foreign vessel only if the vessel is:
- (a) in an Australian port; or
 - (b) entering or leaving an Australian port; or
 - (c) in the internal waters of Australia; or
 - (d) in the territorial sea of Australia, other than in the course of innocent passage.

249 Operating a detained vessel

- (1) A person must not operate a vessel if:
- (a) the vessel has been detained under subsection 248(1) (detention by AMSA) or 252(3) (detention by Customs); and
 - (b) the vessel has not been released from detention; and
 - (c) an inspector has not consented to the operation of the vessel by the person.

Fault-based offence

- (2) A person commits an offence if the person contravenes subsection (1).

Penalty: Imprisonment for 10 years or 600 penalty units, or both.

Civil penalty

- (3) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty: 6,000 penalty units.