

How to make a Section 12 Declaration

This guide is on how to make a S12 declaration for a vessel in the Coastal Trading Licensing System (CTLS). Information about S12 declarations can be found [here](#).

This guide is representative only and does not replace the legislation. Please refer to the *Coastal Trading (Revitalising Australian Shipping) Act 2012* (the Act) to confirm legislative requirements.

Overview:

A section 12 declaration allows a vessel to perform intrastate voyages under the Act.

Important:

- Section 12 declarations are not licences.
- Intrastate voyages can be performed under state/territory regulations.
- A section 12 declaration is required for a vessel performing an intrastate voyage when a temporary licence holder chooses to perform the voyage under the Act.
- If a voyage is to be performed under state/territory regulations, the vessel performing the voyage does not need to be declared under section 12, and the voyage does not have to be authorised on a temporary licence.
- The Shipping Business Unit (SBU) cannot advise on state/territory regulations, as we do not administer them.

Who can apply?

Only an owner of a vessel can apply for a section 12 declaration. Section 6 of the Act defines an owner of a vessel as 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).

You do not have to be a holder of a temporary licence, general licence or a transitional general licence holder to apply for a section 12 declaration for a vessel. Information on how to register in CTLS can be found here:

https://infrastructure.gov.au/maritime/business/coastal_trading/licencing/index.aspx

Supporting Documentation

The Delegate may on occasion request documentation outlining how you meet the definition of an owner.

Your supporting document(s) should clearly show how your organisation meets the criteria as an owner. Providing a link to a company website may not be considered sufficient evidence by the Delegate.

If you have assumed responsibility for the vessel in accordance with section 6(c) or are acting as an Agent for the owner of the vessel, your supporting documentation could be in the form of a letter from the owner addressed to the Delegate. The content of the letter should be concise in confirming your relationship with the owner of the particular vessel.

Please ensure that any letter or document contains information that clearly identifies the owner of the vessel and in what capacity the owner of the vessel has appointed you. If there are subsidiaries involved in this relationship, please be clear in the relationships between parent companies, subsidiaries and your organisation.

The Delegate should be able to clearly trace the relationship between you and the owner of the vessel.

Examples of how ownership may be ascertained by the SBU

The Shipping Business Unit (SBU) uses various databases to ascertain a ship's owner/manager/operator.

If the organisation making the application is identifiable as an owner as defined in section 6 of the Act, the SBU would not normally seek further evidence from the applicant.

If a link between the applicant and the vessel's owner is unable to be confirmed, further information would be sought.

Example 1:

Organisation **XYZ** applies for a section 12 declaration for a vessel.

Vessel owner/manager/operator record searches for the vessel show no link with **XYZ**.

XYZ will be asked to provide evidence they have the owner's consent to make the application.

Evidence may be in the form of:

- A letter/email from the owner giving consent for your application.
- A contractual agreement between owner and applicant (with sensitive information redacted)

Example 2:

Organisation **XYZ** makes an application and provides evidence it is making application on behalf of vessel manager **ABC**.

Vessel owner/manager/operator record searches for the vessel show no link with **ABC**.

In this case, **XYZ** would need to provide evidence that the vessel owners/managers/operators have an agreement with **ABC**, as well as show the agreement between themselves and **ABC**.

Evidence may be in the form of:

- Letters/emails.
- Contractual agreements (with sensitive information redacted).

Important: Any emails/letters should be from the organisation giving authorisation, not from an organisation saying they have authorisation.

Section 12 Declaration

How to apply:

1. Click on the Application Forms tab and then click on apply for a Declaration Under Section 12.

The screenshot shows the 'Coastal Trading Licensing System' website. The navigation menu includes 'Home', 'Payments', 'My Profile', 'Application Forms' (highlighted with a red circle), 'My Applications', 'My Licences', 'My Vessels', and 'History'. Below the menu, the 'Application Forms' section is displayed with the text 'Please click to open an Application Form.' and 'I would like to...'. Four application options are shown: 'apply for a Temporary Licence' (TL), 'apply for a Declaration Under Section 12' (highlighted with a red circle), 'apply for Emergency Licence' (EL), and 'apply for General Licence' (GL). The copyright notice at the bottom reads '© 2018 - Department of Infrastructure and Regional Development'.

2. The “Create Section 12 Declaration” application form will open.

Create Section 12 Declaration * required fields.

Registered Organisation Information

Organisation:

Vessel Details

Vessel Name *	Vessel Registry *	Vessel IMO *
<input type="text"/>	<input type="text"/>	<input type="text"/>
Vessel Type *	Vessel Capacity - Gross Tonnes *	Vessel Capacity - Dead Weight (Tonnes) *
<input type="text"/>	<input type="text"/>	<input type="text"/>

Ownership Type (Please tick all that apply) *

Do you have a legal or beneficial interest in the vessel other than as a mortgagee?

Do you have overall general control and management of the vessel?

Are you the person who has assumed responsibility for the vessel from a person referred to in the above two questions?

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3. All fields must be completed and at least one of the check boxes under “Ownership Type (Please tick all that apply)” must be chosen.
If there are any details not complete when you go to submit you will see an error message.

Create Section 12 Declaration * required fields.

Registered Organisation Information

Organisation:

Vessel Details

Vessel Name *	Vessel Registry *	Vessel IMO *
<input type="text"/>	<input type="text"/>	<input type="text"/>
<small>The Vessel Name field is required.</small>	<small>The Vessel Registry field is required.</small>	<small>The Vessel IMO field is required.</small>
Vessel Type *	Vessel Capacity - Gross Tonnes *	Vessel Capacity - Dead Weight (Tonnes) *
<input type="text"/>	<input type="text"/>	<input type="text"/>
<small>The Vessel Type field is required.</small>	<small>The Vessel Capacity - Gross Tonnes field is required.</small>	<small>The Vessel Capacity - Dead Weight (Tonnes) field is required.</small>

Ownership Type (Please tick all that apply) *

Do you have a legal or beneficial interest in the vessel other than as a mortgagee?

Do you have overall general control and management of the vessel?

Are you the person who has assumed responsibility for the vessel from a person referred to in the above two questions?

At least one type must be chosen to be eligible for S12 Declaration

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4. When you have filled in and completed all details click Submit.

Create Section 12 Declaration * required fields.

Registered Organisation Information

Organisation:

Vessel Details

Vessel Name *	Vessel Registry *	Vessel IMO *
<input type="text" value="Donnza"/>	<input type="text" value="Iceland"/>	<input type="text" value="1010101"/>
Vessel Type *	Vessel Capacity - Gross Tonnes *	Vessel Capacity - Dead Weight (Tonnes) *
<input type="text" value="Container"/>	<input type="text" value="25000"/>	<input type="text" value="30000"/>

Ownership Type (Please tick all that apply) *

Do you have a legal or beneficial interest in the vessel other than as a mortgagee?

Do you have overall general control and management of the vessel?

Are you the person who has assumed responsibility for the vessel from a person referred to in the above two questions?

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5. On clicking submit a pop up window with a privacy notice and declaration will appear on your screen.

Please read the declaration and choose your response.

Choosing Yes, I agree will continue with the application.

Choosing No, I disagree will take you back to the application form.

You will no longer be able make changes to your application once it has been submitted.

Privacy Notice (APP5) and Declaration

Coastal Trading

The Department of Infrastructure and Regional Development (the Department) is authorised to collect this information for the purposes of assessing your application and granting a licence pursuant to the *Coastal Trading (Revitalising Australian Shipping) Act 2012* (the Act) and associated Regulations.

The Department will use this information for the administration of its responsibilities under the Act and may disclose information to other Government agencies in accordance with the Act. The Department is also required to publish specified information on its public website. Personal information is not disclosed to overseas recipients.

Failure to provide the requested information may result in the Department being unable to assess the application, or the application being refused.

The Department's on-line privacy policy contains information regarding complaint handling processes and how to access and/or seek correction of personal information held by the Department. The Privacy Officer contact details are available from the Departments website at the [Department's Privacy Statement](#)

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- I am the owner of the vessel for the purposes of section 12 of the CT(RAS) Act or a person duly authorised by the owner to apply for a declaration under section 12 of the CT(RAS) Act.
 - The information provided in this form is true and correct.
 - I hereby apply under section 12 of the CT(RAS) Act for a declaration to be made that the CT(RAS) Act apply to the vessel specified in Part 2 of this application.
-

✓ Yes, I agree

✗ No, I disagree

6. If the application has been submitted successfully you will see a summary message like below with your application details. You will also receive a notification email.

Home Payments My Profile **Application Forms** My Applications My Licences My Vessels History

Create Section 12 Declaration * required fields.

The Section 12 Declaration has been created successfully.

Registered Organisation Information

Organisation:

Vessel Details

Vessel Name * Donnza	Vessel Registry * Iceland	Vessel IMO * 1010101
Vessel Type * Container	Vessel Capacity - Gross Tonnes * 25000	Vessel Capacity - Dead Weight (Tonnes) * 30000

Ownership Type (Please tick all that apply) *

- Do you have a legal or beneficial interest in the vessel other than as a mortgagee?
- Do you have overall general control and management of the vessel?
- Are you the person who has assumed responsibility for the vessel from a person referred to in the above two questions?

- Once your application has been submitted you will be able to see it on the My Applications tab and under S12 Declaration Applications. The status will change from 'Submitted' to 'Pending' when the Shipping Business Unit starts processing the application. You are able to Withdraw your application on this screen at any time before the Delegate has made a decision.

The screenshot shows the 'My Applications' page with a navigation bar at the top containing 'Home', 'Payments', 'My Profile', 'Application Forms', 'My Applications', 'My Licences', 'My Vessels', and 'History'. The 'My Applications' tab is highlighted. Below the navigation bar, there are four tabs: 'Temporary Licence Applications' (0), 'General Licence Applications' (0), 'S12 Declaration Applications' (1), and 'Emergency Licence Applications' (0). The 'S12 Declaration Applications' tab is selected. A search bar is visible on the right. Below the search bar is a table with the following data:

Application No.	Licence No.	Created On	Created By	Status
18010029 [details]		12/01/2018		Submitted Withdraw

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The screenshot shows the 'My Applications' page with a navigation bar at the top containing 'Home', 'Payments', 'My Profile', 'Application Forms', 'My Applications', 'My Licences', 'My Vessels', and 'History'. The 'My Applications' tab is highlighted. Below the navigation bar, there are four tabs: 'Temporary Licence Applications' (0), 'General Licence Applications' (0), 'S12 Declaration Applications' (1), and 'Emergency Licence Applications' (0). The 'S12 Declaration Applications' tab is selected. A search bar is visible on the right. Below the search bar is a table with the following data:

Application No.	Licence No.	Created On	Created By	Status
18010029 [details]		12/01/2018		Pending Withdraw

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On this screen if you click on details next to the application number, some of the vessel details of this application will be displayed.

The screenshot shows the 'My Applications' page with a navigation bar at the top containing 'Home', 'Payments', 'My Profile', 'Application Forms', 'My Applications', 'My Licences', 'My Vessels', and 'History'. The 'My Applications' tab is highlighted. Below the navigation bar, there are four tabs: 'Temporary Licence Applications' (0), 'General Licence Applications' (0), 'S12 Declaration Applications' (1), and 'Emergency Licence Applications' (0). The 'S12 Declaration Applications' tab is selected. A search bar is visible on the right. Below the search bar is a table with the following data:

Application No.	Created On	Created By	Status
18010029 [details]	12/01/2018		Pending Withdraw

A tooltip titled 'Vessel Information for S1218010029' is displayed over the application number, showing the following details:

- Vessel: Donnza
- Registry: Iceland
- IMO: 1010101
- Type: Container

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8. If your section 12 Declaration is approved you will receive an email notification. In CTLS the details will no longer appear in My Applications. Approved S12 Declarations will appear in My Licences tab under Section 12 Declarations. You can download the declaration from this screen.

Home Payments My Profile Application Forms My Applications **My Licences** My Vessels History

My Licences Licences in effect

Temporary Licences **4** General Licences **1** **Section 12 Declarations **1**** Emergency Licences **0**

Search

S12 Declaration 0208S12698 (12/01/2018 - 11/01/2020)

IMO	Name	Registry	Type	Capacity	Dead Weight
1010101	Donnza	Iceland	Container	25000	30000

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