Order No. 14 of 2006

Pursuant to subsection 425(1AA) of the Navigation Act 1912 and subsection 34(1) of the Protection of the Sea (Prevention of Pollution from Ships) Act 1983, I hereby make this Order repealing Marine Orders Part 93, Issue 4, and issuing the attached Marine Orders, Part 93, Issue 5, to come into operation on 1 January 2007.

Clive Davidson
Chief Executive Officer
18 December 2006
Table of Contents

1 Purpose & power
2 Definitions of words and phrases used in this Part
3 Interpretation
4 Application
5 Equivalents & exemptions
6 Review of decisions
7 Convention requirements
8 Surveys
9 Certificates
10 Other prescribed matters
11 Specifications and interpretations
12 Shipboard marine pollution emergency plan

Appendix—Forms

Previous issues
Issue 1, Order No.2 of 1988
—Amended by Order No.1 of 1990
—Amended by Order No.11 of 1994
—Amended by Order No.9 of 1995

Issue 2, Order No.6 of 1998
—Amended by Order No.11 of 1999

Issue 3, Order No.4 of 2001
—Amended by Order No.8 of 2001
—Amended by Order No.12 of 2002

Issue 4, Order No.2 of 2005
1 Purpose & power

1.1 Purpose

1.1.1 This Part of Marine Orders gives effect to all or part of the following Regulations of Annex II to MARPOL:¹

(a) Regulations 12, 13 and 16, which deal with ventilation procedures, pumping and unloading arrangements, tank washing on chemical tankers and measures of control;

(b) Regulations 15 and 17, which deal with cargo record books and shipboard marine pollution emergency plans on chemical tankers; and

(c) Regulations 8, 9 and 10, which deal with survey and certification of chemical tankers.

1.1.2 The Part also prescribes various matters, such as the manner of notifying a discharge, for the purposes of Division 12A of Part IV of the Navigation Act and Part III of the Pollution Prevention Act.

1.2 Power

1.2.1 Subsection 425(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

1.2.2 Subsection 33(1) of the Pollution Prevention Act provides for regulations to be made prescribing matters:

(a) required or permitted by the Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to the Act; and, in particular:

(c) for and in relation to giving effect to MARPOL, other than provisions of MARPOL to which effect is given by a provision of the Act.

1.2.3 Subsection 425(1AA) of the Navigation Act and subsection 34(1) of the Pollution Prevention Act provide that AMSA may make orders with respect to any matter for or in relation to which provision may be made by regulation.

¹ Regulation 11 of Annex II is given effect by Marine Orders, Part 17.
2 Definitions of words and phrases used in this Part

AMSA means the Australian Maritime Safety Authority established by the Australian Maritime Safety Authority Act 1990;

Annex II means Annex II to MARPOL;

anniversary date, in relation to a certificate, means the day and the month of each year corresponding to the day and month of expiry of the certificate;

Area Manager means the person occupying the position of:
(a) Manager, Maritime Operations – North; or
(b) Manager, Maritime Operations – South; or
(c) Manager, Maritime Operations – East; or
(d) Manager, Maritime Operations – West,
in AMSA;

BCH Code has the same meaning as in Marine Orders, Part 17 (Liquefied Gas Carriers and Chemical Tankers);

date of issue, in relation to a certificate, means:
(a) the date that the certificate is issued; or
(b) the date shown on the certificate as the date of issue for the purposes of MARPOL, being a date not earlier than the date on which the survey for the issue of the certificate was completed,

whichever is the earlier;

General Manager means the person occupying the position of General Manager, Maritime Operations, in AMSA, unless expressly indicated otherwise;

IBC Code has the same meaning as in Marine Orders, Part 17 (Liquefied Gas Carriers and Chemical Tankers);

IMO means the International Maritime Organization;

IPP Certificate means a chemical tanker construction certificate referred to in section 267Q of the Navigation Act or an International Pollution Prevention Certificate for the_____________________

2 Copies of IMO resolutions or other documents referred to in this Part are available from AMSA.
Carriage of Noxious Liquid Substances in Bulk referred to in section 267R of the Navigation Act;³

**Manager, Environment Protection Standards** means the person occupying the position of Manager, Environment Protection Standards, in AMSA;

**Manager, Ship Inspections,** means the person occupying the position of Manager, Ship Inspections, in AMSA or, in respect of any particular purpose under this Part, a suitably qualified person authorised by the Manager, Ship Inspections, for that purpose;

**MARPOL** has the same meaning as 'the Convention' in the Pollution Prevention Act;⁴

**Navigation Act** means the *Navigation Act 1912*;

**penal provision** means a penal provision for the purposes of Regulation 4 of the Navigation (Orders) Regulations⁵ or Regulation 4 of the Protection of the Sea (Prevention of Pollution from Ships)(Orders) Regulations;⁶

**Pollution Prevention Act** means the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*;

**survey authority** means a survey authority approved for the purposes of the Navigation Act;⁷ and

³ The chemical tanker construction certificate referred to in section 267Q of the Navigation Act and the International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk referred to in section 267R of the Navigation Act are, in fact, identical.

⁴ MARPOL is to be found in MARPOL 73/78 Consolidated Edition, 2006, published by IMO, and will be revised with effect from 1 August 2007 by IMO Resolutions MEPC.141(54) and MEPC.143(54).

⁵ Subregulation 4(1) of the Navigation (Orders) Regulations provides that a person who fails to comply with a provision of an order made under subsection 425(1AA) of the Navigation Act that is expressed to be a penal provision is guilty of an offence and is punishable by:
(a) if the offender is an individual—a fine not exceeding 20 penalty units; or
(b) if the offender is a body corporate—a fine not exceeding 50 penalty units.
A penalty unit is currently $110.

⁶ Regulation 4 of the Protection of the Sea (Prevention of Pollution from Ships) (Orders) Regulations provides that a person must not fail to comply with a provision of an order made under subsection 34 (1) of the Pollution Prevention Act that is expressed to be a penal provision. The penalty is 20 penalty units or, in the case of a corporation, 50 penalty units. A penalty unit is currently $110.

⁷ The following survey authorities are approved: American Bureau of Shipping; Bureau Veritas; Det Norske Veritas; Germanischer Lloyd; Lloyd's Register; and Nippon Kaiji Kyokai. Other survey authorities may be approved by AMSA if relevant criteria are met.
surveyor means a person appointed as a surveyor under section 190 of the Navigation Act.

3 Interpretation

3.1 For the purposes of paragraph 5 of regulation 12 of Annex II, reference to the Administration is to be read as a reference to a survey authority.

3.2 For the purposes of paragraph 2 and 4 of regulation 4 of Annex II, reference to the Administration is to be read as a reference to the Manager, Ship Inspections.

3.3 In this Part, a reference to the date on which the keel of a ship was laid, or on which a ship was constructed, means the date on which not less than 50 tonnes or one per cent of the proposed total mass of the structural material of the ship, whichever is the less, has been assembled.

3.4 In this Part:

(a) headings and subheadings are part of the Part;
(b) the Appendix is part of the Part; and
(c) a footnote is not part of the Part, but may provide additional information or guidance in applying the Part.

4 Application

4.1 Subject to subsection 33(2) of the Pollution Prevention Act and subsection 267N(2) of the Navigation Act, this Part applies to and in relation to a ship:

(a) to which MARPOL is expressed to apply; or
(b) owned or operated by the Commonwealth and used, for the time being, on government non-commercial service.

4.2 For the purposes of subsections 32(1) and 32(1A) of the Pollution Prevention Act, sections 22A, 23 and 24 of that Act apply without modification or exception to foreign ships, including foreign ships flying the flag of, or under the authority of, a Party to the Convention, at any time when they are in a port in Australia or are in the territorial sea of Australia or in the sea on the landward side of the territorial sea of Australia while on their way to or from a port in Australia as if such ships were Australian ships.
5 Equivalents & exemptions

5.1 If a provision of this Part requires a particular fitting, material, appliance or apparatus, or type thereof, to be fitted or carried in a ship or a particular provision to be made in a ship, the Manager, Ship Inspections, may allow any other fitting, material, appliance or apparatus, or type thereof, to be fitted or carried, or any other provision to be made, if that officer is satisfied that the other fitting, material, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by that provision of this Part.

5.2 For the purposes of subsection 267V(2) of the Navigation Act, the following classes of ships are prescribed as exempt from the application of subsection 267V(1) of that Act absolutely:

(a) naval auxiliaries; and

(b) ships in respect of which a certificate of fitness, referred to in the BCH Code or the IBC Code, is in force.

6 Review of decisions

6.1 Internal review

6.1.1 If the Manager, Ship Inspections, or a surveyor makes a decision under this Part, a person affected by the decision may, within 3 months of the date of notification of the decision or such longer period as determined by the General Manager, apply to the General Manager for review of that decision.

6.1.2 An application for internal review under 6.1.1 must be made in writing to the General Manager and must be accompanied by such information as the General Manager requires to enable the decision to be properly reviewed.

6.1.3 The General Manager may:

(a) affirm the original decision by the Manager, Ship Inspections, or surveyor; or

(b) make any decision that could be made by the Manager, Ship Inspections, or surveyor in accordance with this Part.

6.1.4 The General Manager must give his or her decision in writing within 28 days of receiving the application for internal review.

Applications for exemptions or the allowance of equivalents should be made to the Manager, Ship Inspections and should be accompanied by relevant information. The Manager, Ship Inspections may seek additional information to assist in reaching a decision.
6.2 Review by the AAT

6.2.1 Application may be made to the Administrative Appeals Tribunal for review of a decision by the General Manager under 6.1.3.

6.2.2 The notice of a decision by the General Manager under 6.1.4 must include a statement to the effect that, if the person is dissatisfied with the decision, application may, subject to the Administrative Appeals Tribunal Act 1975, be made to the Administrative Appeals Tribunal for review of the decision. The notice must also include a statement to the effect that the person may request a statement under section 28 of that Act.

6.2.3 Failure to comply with 6.2.2 in relation to a decision does not affect the validity of that decision.

7 Convention requirements

7.1 Regulation 12, paragraph 3 of regulation 13 and regulation 16 of Annex II have the force of law as part of the law of the Commonwealth.9

7.2 A regulation of Annex II interpreted or explained by a provision of this Part is to be read as having the meaning attributed by that provision of this Part.

8 Surveys

8.1 Survey requirements

A ship carrying noxious liquid substances in bulk is subject to the following surveys:

(a) an initial survey before the ship is put in service or before an IPP Certificate is issued for the first time;

(b) subject to provisions 9.3, 9.4.3, 9.4.4 and 9.4.5, a renewal survey at intervals not exceeding 5 years after the completion of the initial survey;

(c) an intermediate survey within 3 months before or after the second anniversary date or within 3 months before or after the third anniversary date of the IPP Certificate, which will take the place of one of the annual surveys;

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9 For the purposes of paragraph 3 of regulation 13 and paragraph 5 of regulation 12 of Annex II, AMSA has approved the ventilation procedures, pre-wash procedures, pumping conditions and pumping efficiency tests specified in Appendix 4 to Annex II, Standards for procedures and arrangements for the discharge of noxious liquid substances, published in MARPOL 73/78, Consolidated Edition, 2006.
(d) an annual survey within 3 months before or after each anniversary date of the IPP Certificate; and
(e) additional surveys, as occasion arises.

8.2 Initial survey

The initial survey must include a complete survey of the ship’s structure, equipment, systems, fittings, arrangements and material in so far as such is required by, or provided for the purposes of, Annex II. This survey must be such as to ensure that the structure, equipment, systems, fittings, arrangements and material fully comply with the applicable requirements of Annex II.

8.3 Renewal surveys

The renewal survey must be such as to ensure that the ship’s structure, equipment, systems, fittings, arrangements and material fully comply with the applicable requirements of Annex II.

8.4 Intermediate surveys

The intermediate survey must be such as to ensure that the ship’s equipment and associated pump and piping systems fully comply with the applicable requirements of Annex II and are in good working order.

8.5 Annual surveys

The annual survey must include a general inspection of the ship’s structure, equipment, systems, fittings, arrangements and material referred to in 8.2 to ensure that they have been maintained in accordance with 8.8.

8.6 Additional surveys

An additional survey, either general or partial, according to the circumstances, must be made after a repair resulting from investigations referred to in 8.8.3, or whenever any important repairs or renewals are made. The survey must be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or renewals are in all respects satisfactory, and that the ship complies in all respects with the provisions of Annex II.

8.7 Endorsement of certificates

The intermediate and annual surveys must be endorsed on the IPP Certificate.
8.8 Maintenance of condition

8.8.1 The condition of the ship and its equipment must be maintained to conform with Annex II to ensure that the ship in all respects will remain fit to proceed to sea without posing a threat to the environment.

8.8.2 After any survey of the ship has been completed, no change is to be made in the structure, equipment, systems, fittings, arrangements or material covered by the survey, without the sanction of the Manager, Ship Inspections, except the direct replacement of such equipment and fittings.

8.8.3 Whenever an accident occurs to a ship or a defect is discovered which substantially affects the integrity of the ship or the efficiency of its equipment covered by Annex II, the master or, if the master is unable to do so, the owner of the ship must report at the earliest opportunity to the Manager, Ship Inspections, who will cause investigations to be initiated to determine whether a survey under 8.6 is necessary. This is a penal provision.

9 Certificates

9.1 Form of certificate

For the purposes of sections 267Q and 267R of the Navigation Act, the prescribed form is the International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk appearing in Appendix 3 of Annex II.

9.2 Duration of certificates

An IPP Certificate remains valid:

(a) in the case of the first issue of a certificate—for a period of 5 years from the date of issue; or

(b) in the case of a renewed certificate—for a period of 5 years from the appropriate commencement date specified in 9.3; or

(c) for such lesser period as the certificate specifies,
unless ceasing to have effect at an earlier date in accordance with section 267S or section 267U of the Navigation Act.

9.3 Commencement of renewal period

If an existing IPP Certificate is being renewed, the period in 9.2 commences:

(a) if the renewal survey is completed on, or within 3 months before, the expiry date of the existing certificate—from the expiry date of the existing certificate; or

(b) if the renewal survey is completed after the expiry date of the existing certificate—from the expiry date of the existing certificate; or

(c) if the renewal survey is completed more than 3 months before the expiry date of the existing certificate—from the date of completion of the renewal survey.

9.4 Extension of validity

9.4.1 If an IPP Certificate is issued or renewed for a period of less than 5 years, the Manager, Ship Inspections, may extend the validity of the certificate beyond the expiry date for a period not exceeding 5 years from the date of issue or renewal.

9.4.2 If a renewal survey has been completed and a new IPP Certificate cannot be issued or placed on board the ship before the expiry date of the existing certificate, the Manager, Ship Inspections, or survey authority, as appropriate, must endorse the existing certificate and such a certificate is to be accepted as valid for a further period which must not exceed 5 months from the expiry date.

9.4.3 If an Australian ship at the time when an IPP Certificate expires is not in a port in which it is to be surveyed, the Manager, Ship Inspections, or a consul or other diplomatic representative of Australia may extend the period of validity of the certificate but this extension is to be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed, and then only in cases where it appears proper and reasonable to do so. No certificate is to be extended for a period longer than 3 months, and a ship to which an extension is granted must not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port without having a new certificate. When the renewal survey is completed, the new certificate is to be valid to a date not exceeding 5 years from the date of expiry of the existing certificate before the extension was granted.

9.4.4 An IPP Certificate that has been issued to a ship engaged on short voyages, and that has not been extended under 9.4.1 or 9.4.3, may be extended by the Manager, Ship Inspections, or a consul or other diplomatic representative of Australia for a period of grace of up to 1 month from the date of expiry stated on it. When the renewal survey is
completed, the new certificate is to be valid to a date not exceeding 5 years from the date of expiry of the existing certificate before the extension was granted.

9.4.5 In special circumstances, as determined by the Manager, Ship Inspections, a new IPP Certificate need not be dated from the date of expiry of the existing certificate as required by 9.3, 9.4.3 or 9.4.4. In these special circumstances the new certificate is to be valid to a date not exceeding 5 years from the date of completion of the renewal survey.

9.5 Surveys completed before certificate expiry

If an annual or intermediate survey is completed before the period specified in provision 8, then:

(a) the anniversary date shown on the certificate is to be amended by endorsement to a date which must not be more than 3 months later than the date on which the survey was completed;

(b) the subsequent annual, intermediate or periodical survey required by provision 8 must be completed at the intervals specified in provision 8 using the new anniversary date; and

(c) the expiry date may remain unchanged provided one or more annual or intermediate surveys, as appropriate, are carried out so that the maximum intervals between the surveys specified in provision 8 are not exceeded.

9.6 Certificate ceasing to be valid

An IPP Certificate ceases to be valid in any of the following cases:

(a) if the relevant surveys and inspections are not completed within the periods specified in provision 8; or

(b) if the certificate is not endorsed in accordance with provision 8.7; or

(c) upon transfer of the ship to or from the Australian flag,12

11 "Special circumstances" might include a situation where a ship is laid up at the time the survey is due and remains laid up for a period of 6 months or more.

12 A new certificate for a ship transferring to the Australian flag will not be issued until AMSA or a survey authority, as appropriate, is fully satisfied that the ship is in compliance with the requirements of Annex II.
10 Other prescribed matters

10.1 Issue of certificates in respect of ships to which the Navigation Act does not apply

For the purposes of paragraph 187AA(1)(b) of the Navigation Act, a certificate issued under 267Q of the Navigation Act, is a prescribed certificate.

10.2 Alteration or damage to ship

10.2.1 For the purposes of subsection 267S(1) of the Navigation Act, the following persons are prescribed persons:
(a) the Manager, Ship Inspections;
(b) each Area Manager.

10.2.2 For the purposes of subsection 267S(1) of the Navigation Act, Form MO—93/1 in the Appendix is the prescribed form.

10.3 Service of notices

10.3.1 For the purposes of subsections 267S(6), 267S(7) and 267Y(1) of the Navigation Act, service of a notice addressed to the owner of the ship may be effected:
(a) by serving it personally on the owner, or on all, or any, of the owners, as the case may be, of the ship or, if an owner who is to be served is a body corporate, on a director, secretary or other officer of the body corporate; or
(b) by serving it personally on any agent of the ship or, if an agent to be served is a body corporate, on a director, secretary or other officer of the body corporate; or
(c) by serving it personally on the master of the ship.

10.3.2 For the purposes of subsections 267S(6) and 267S(7) of the Navigation Act, service of a notice addressed to the agent of the ship may be effected by serving it personally on the agent or, if the agent is a body corporate, on a director, secretary or other officer of the body corporate.

10.3.3 For the purposes of subsections 267S(6), 267S(7) and 267Y(1) of the Navigation Act, service of a notice addressed to the master of the ship may be effected by serving it personally on the master of the ship or, if for any reason (including the absence of the master from the ship) it is not practicable to serve the notice on the master, by delivering it to any person on board the ship who is, or is reasonably believed to be, an officer of the ship.
10.4 Prescribed officers

10.4.1 For the purposes of sections 20 and 25 of the Pollution Prevention Act, each Area Manager is a prescribed officer.

10.4.2 For the purposes of section 21(2) of the Pollution Prevention Act, the following AMSA employees are prescribed officers:
(a) General Manager, Maritime Operations;
(b) General Manager, Maritime Safety and Environmental Strategy;
(c) General Manager, Emergency Response;
(d) Manager, Environment Protection Response; and
(e) each Area Manager.

10.4.3 For the purposes of sections 21(6), 21(7), 21(8) and 21(9) of the Pollution Prevention Act, the following are prescribed officers:
(a) in respect of an Australian registered ship—the Manager, Ship Inspections, or any suitably qualified employee of a survey authority authorised by that survey authority to act on its behalf; and
(b) in respect of a foreign registered ship—any person authorised by the marine administration of the country of registration to exercise its powers and functions under Regulation 13 of Annex II.

10.4.4 For the purposes of section 22 of the Pollution Prevention Act, the following are prescribed officers:
(a) the General Manager, Maritime Operations, in AMSA; and
(b) the General Manager, Emergency Response, in AMSA.

10.4.5 For the purposes of section 26AA of the Pollution Prevention Act, the Manager, Ship Inspections, is a prescribed officer.

10.5 Prescribed manner of notifying a discharge

For the purposes of subsections 22(1) and 22(3) of the Pollution Prevention Act, an incident is notified in the prescribed manner if it is notified by:
(a) a telephone message; or
(b) a facsimile message; or
(c) a telex message; or
(d) a radio message; or
(e) an e-mail message,

conveyed either direct to the prescribed officer or through the Rescue Coordination Centre (RCC) Australia,\textsuperscript{13} being a message that commences with the code letters POLREP and the name and radio call-sign of the ship.

### 10.6 Prescribed form—harmful substances report

10.6.1 For the purposes of subsections 22(6) and 22(7) of the Pollution Prevention Act, the prescribed form for a harmful substances report is Form MO—93/2 in the Appendix.

10.6.2 Where a time is required to be specified in a harmful substances report, it must be expressed in Coordinated Universal Time (UTC).

### 10.7 Prescribed time for furnishing a report

For the purposes of subsections 22(6) and 22(7) of the Pollution Prevention Act, the period of 24 hours immediately following receipt of a request for a report is the prescribed time.

### 10.8 Record books

10.8.1 For the purposes of subsection 23(3) of the Pollution Prevention Act, the prescribed form in relation to a cargo record book is the form set out in Appendix 2 to Annex II.

10.8.2 Where a time is required to be specified in a cargo record book, it must, unless expressed in ship’s time and the conversion to Coordinated Universal Time (UTC) cannot be readily made, be expressed in Coordinated Universal Time (UTC).

### 10.9 Prescribed operations or occurrences

10.9.1 For the purposes of subsection 23(5) of the Pollution Prevention Act, each of the following operations with respect to a noxious liquid substance is a prescribed operation in relation to a ship:

(a) loading of cargo;

(b) internal transfer of cargo;

(c) unloading of cargo;

\textsuperscript{13} Contact details for the RCC are provided in Form MO-93/2, set out in the Appendix.
(d) mandatory prewash in accordance with the ship’s Procedures and Arrangements Manual;\(^{14}\)

(e) cleaning of cargo tanks except mandatory prewash (other prewash operations, final wash, ventilation etc);

(f) discharge into the sea of tank washings;

(g) ballasting of cargo tanks;

(h) discharge of ballast from cargo tanks;

(i) accidental or other exceptional discharge; and

(j) control by authorised surveyors.

10.9.2 For the purposes of subsection 23(5) of the Pollution Prevention Act, each of the following occurrences is a prescribed occurrence in relation to the ship:

(a) the discharge into the sea of a noxious liquid substance, or a mixture containing such a substance, for the purpose of securing the safety of the ship or saving life at sea;

(b) the discharge into the sea of a noxious liquid substance, or a mixture containing such a substance, in consequence of damage to the ship or its equipment; and

(c) the discharge into the sea of a noxious liquid substance, or a mixture containing such a substance, being:

   (i) a discharge for an exceptional purpose other than for the purpose of securing the safety of the ship or saving life at sea; or

   (ii) an accidental discharge other than a discharge in consequence of damage to the ship or its equipment.

10.10 Prescribed time & manner to notify proposal to import or export

10.10.1 For the purposes of section 20 of the Pollution Prevention Act, the prescribed time, in relation to the notification of a proposal to import or export a liquid substance, is the period of 30 days immediately preceding the day on which the importation or exportation takes place.

\(^{14}\) In accordance with subsection 15(1) of the Pollution Prevention Act, which provides for AMSA to approve a form of Procedures and Arrangements Manual, AMSA has approved the form in Appendix 4 of Annex II.
10.10.2 For the purposes of section 20 of the Pollution Prevention Act, a proposal to import or export a liquid substance is notified in the prescribed manner if it is notified by:

(a) writing delivered by hand or forwarded by certified mail; or
(b) a facsimile message; or
(c) a telex message; or
(d) email.

11 Specifications and interpretations

11.1 Unified Interpretation

For the purposes of this Part, a regulation of Annex II, being a regulation referred to in the *Unified Interpretations of Annex II*, published by IMO, is to be read and applied in accordance with that document.15

11.2 Measures of control

11.2.1 For the purposes of regulation 16 of Annex II:

(a) a reference to the receiving Party is to be read as a reference to Australia;

(b) a function or power expressed to be exercisable by the Government of the receiving party is exercisable by the Manager, Ship Inspections;

(c) a reference to the Administrations is to be read as:

(i) in respect of an Australian registered ship—the Manager, Ship Inspections, or any suitably qualified employee of a survey authority authorised by that survey authority to act on its behalf; and

(ii) in respect of a foreign registered ship—any person authorised by the marine administration of the country of registration to exercise its powers and functions under regulation 16 of Annex II; and

(d) a reference to the surveyor (however described) is to be read as a reference to a person appointed as a surveyor under section 190 of the Navigation Act.

11.2.2 An exemption referred to in paragraph 4 of regulation 13 of Annex II may only be granted to a ship engaged on voyages to ports or terminals under the jurisdiction of

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States parties to the Convention and, on such an exemption being granted to a ship, the appropriate entry made in the ship's cargo record book must be endorsed by a surveyor.

11.3 Appropriate measures

For the purposes of paragraph 2 of regulation 11 of Annex II, the appropriate measures are:

(a) in respect of a ship, other than an offshore support vessel—
   (i) the provisions of the IBC Code for a ship the keel of which was laid or which was at a similar stage of construction on or after 1 July 1986; and
   (ii) the provisions of the BCH Code for a ship the keel of which was laid or which was at a similar stage of construction before 1 July 1986, to the extent that the provisions can be practicably applied to such ships; and

(b) in respect of an offshore support vessel—the provisions of the Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk in Offshore Support Vessels, published as IMO Resolution A.673(16), as amended by Resolutions MEPC.158(55) and MSC.184(79); and

(c) in respect of the carriage of vegetable oils in general dry cargo ships—the provisions of the Revised Guidelines for the Transport of Vegetable Oils in Deep Tanks or in Independent Tanks Specially Designed for the Carriage of Such Vegetable Oils in General Dry Cargo Ships, published as IMO Resolution MEPC.148(54).

12 Shipboard marine pollution emergency plan

12.1 For the purposes of subsection 22A(3) of the Pollution Prevention Act, the prescribed form is the Guidelines for the Development of Shipboard Marine Pollution Emergency Plans for Oil and/or Noxious Liquid Substances, adopted by IMO as Resolution MEPC.85(44), as amended by Resolution MEPC.137(53).

12.2 A shipboard marine pollution emergency plan must be approved by a survey authority or the Manager, Environment Protection Standards.
Appendix

FORMS

AUSTRALIA

*Form MO—93/1

Marine Orders, Part 93 (Marine Pollution Prevention—Noxious Liquid Substances)

NOTICE OF ALTERATION OR DAMAGE TO AN AUSTRALIAN SHIP

To: *Manager, Ship Inspections

*Area manager, Maritime Operations - ..............................

(* — delete which inapplicable)

PARTICULARS TO BE NOTIFIED

1. Name of ship.
2. Official number (if any).
3. IMO Number.
4. Home port/port of registry.
5. Call sign.
6. Name of owner(s) or agent.
7. Address of principal place of business of owner or agent in Australia.
8. Date of issue and reference number of International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk.
9. Description of nature and extent of alteration or damage to the ship (including date(s) on which the damage occurred and the date(s) on which repairs or alterations, as the case may be, were commenced and completed).
10. Name and address of person or corporation effecting alteration or repairs.
11. Reason(s) for, or cause(s) of, alteration or repairs.
12. Particulars of changes in the construction of the ship.
13. Additional information (if any) affecting the compliance of the ship with the provisions of Annex II (MARPOL).

..............................................

(signature of master or owner)

........................................

(date)

Order No. 14 of 2006
AUSTRALIA

Form MO—93/2

Marine Orders, Part 93 (Marine Pollution Prevention—Noxious Liquid Substances)

HARMFUL SUBSTANCES REPORT

(POLREP)

To: General Manager, Maritime Operations and General Manager, Emergency Response through Rescue Coordination Centre (RCC) Australia

Telex 7162349
Telephone +61 (0)2 6230 6811
Freecall 1800 641 792 (within Australia)
Facsimile +61 (0)2 6230 6868
AFTN YSARYCYX
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(Note: If any of the following items of the ship reporting format are inappropriate they should be omitted from the report. These items of the standard reporting format are referred to in IMO Resolution A.851(20), as amended by MEPC.138(53).)

A. Name of ship, call sign and flag.
B. Date and time of event.
(Note: Time must be expressed as Coordinated Universal Time (UTC))
C. Position: latitude and longitude; or
D. Position: true bearing and distance.
E. True course (as a three digit group).
F. Speed (in knots and tenths of a knot as a 3-digit group).
L. Route information — details of intended track.
M. Full details of radio stations and frequencies being guarded.
N. Time of next report.
(Note: Time must be expressed as Coordinated Universal Time (UTC))
P. 1. Type of oil or the correct technical name for the noxious liquid substances on board.
2. UN number or numbers, if available.
3. Pollution category (X, Y or Z) for each noxious liquid substance.
4. Names of manufacturers of substances or consignee or consignor.
5. An estimate of the quantity of the substances.
Q. Brief details of defects, damage, deficiencies or other limitations. These must include the condition of the ship and the ability to transfer cargo, ballast or fuel.

R. 1. Type of oil or the correct technical name of the noxious liquid substance discharged into the sea.
2. UN number or numbers, if available.
3. Pollution category (X, Y or Z) for each noxious liquid substance.
4. Names of manufacturers of substances or consignee or consignor.
5. An estimate of the quantity of the substances.
6. Whether lost substances floated or sank.
7. Whether loss is continuing.
8. Cause of loss.
9. Estimate of the movement of the discharge or lost substances giving current conditions, if known.
10. Estimate of the surface area of the spill.

S. Weather and sea condition, including wind force and direction and relevant tidal or current details.

T. Name, address, facsimile and telephone numbers of the ship's owner and representative (manager or operator of the ship, or their agents).

U. Details of length, breadth, tonnage and type of ship.

X. 1. Action being taken with regard to the discharge and to the movement of the ship.
2. Assistance or salvage efforts which have been requested or which have been provided by others.
3. The master of an assisting or salvaging ship should report the particulars of the action undertaken or planned.

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