MARINE ORDERS

Part 41

Carriage of dangerous goods

Issue 10

Order No. 11 of 2009

Pursuant to subsection 425(1AA) of the Navigation Act 1912, I hereby make this order repealing Marine Orders, Part 41, Issue 9, and substituting the attached Marine Orders, Part 41, Issue 10, to come into operation from 1 January 2010.

Michael Kinley
Acting Chief Executive Officer
3 December 2009
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1 Purpose and power

1.1 Purpose

This Part of Marine Orders:

(a) gives effect to the following Parts of Chapter VII of SOLAS:

(i) Part A, which deals with the carriage of dangerous goods in packaged form and in particular gives effect to the IMDG Code; and

(ii) Part D, which deals with special requirements for the carriage of packaged irradiated nuclear fuel, plutonium and high-level radioactive wastes on board ships, and in particular gives effect to the INF Code; and

(b) prescribes matters for the purposes of the following provisions of the Navigation Act:

(i) section 253A, which provides that the regulations may prescribe matters in regard to the carriage of dangerous goods in ships;

(ii) section 255, which provides that the regulations may prescribe matters relating to the giving of notice of the intention to ship dangerous goods in ships; and

(iii) section 257, which provides that the regulations may make provision for or in relation to the loading, stowing, carriage or unloading in ships of cargo.

Note 1 The current text of Chapter VII is to be found in the SOLAS Consolidated Edition 2004 as amended by IMO Resolution MSC.170 (79).

Note 2 Compliance with the IMDG Code also ensures compliance with the dangerous goods aspects of Annex III of MARPOL.

1.2 Power

1.2.1 Section 191 of the Navigation Act provides for regulations to make provision for or in relation to giving effect to SOLAS.

1.2.2 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.

1.2.3 Subsection 425 (1AA) of the Navigation Act provides that AMSA may make orders with respect to any matter (other than the imposition of penalties) for or in relation to which provision may be made by regulation.

2 Definitions of words and phrases used in this Part

In this Part:

accepted training course means a dangerous goods training course that has been accepted by the Manager, Ship Inspections, for the purposes of this Part;

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

cargo includes mail and passengers’ baggage;

chemical tanker has the same meaning as in Regulation 1 of Annex II to MARPOL;
consolidator means a person who packs, or supervises the packing of, cargo for various shippers into a cargo transport unit for transport by sea;

Note The IMDG Code defines a cargo transport unit as a road freight vehicle, a railway freight wagon, a freight container, a road tank vehicle, a railway tank wagon or a portable tank.

dangerous goods means any goods to which the IMDG Code is expressed to apply, whether specifically listed in the IMDG Code or not;

Deputy CEO means the person occupying the position of Deputy Chief Executive Officer, Maritime Operations in AMSA;

gas carrier has the same meaning as in Regulation 3 of Chapter II-1 of SOLAS;

handling, in relation to cargo, includes loading, unloading, stacking, stowing or restowing and any operation incidental to or arising from those operations;

IMDG Code means the version of the International Maritime Dangerous Goods Code that is published by the IMO and known as the ‘IMDG Code 2008 Edition incorporating Amendment 34-08’ as set out in IMO Resolution MSC.262 (84) (including all corrigenda and errata to the IMDG Code 2008 edition);

IMO means the International Maritime Organization;

INF Code means the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on board ships, adopted by IMO Resolution MSC.88 (71), amended by Resolutions MSC.118 (76), MSC.135 (76), MSC.178 (79) and MSC.241 (83);

Note 1 On and from 1 January 2001, the INF Code is mandatory under Chapter VII of SOLAS for ships carrying INF cargo. The INF Code requires a ship engaged in that trade to have an International Certificate of Fitness for the carriage of INF Cargoes.

Note 2 The INF Code is contained in the Supplement to the IMDG Code.

leakage and spillage includes leakage and spillage of dry contents, and emission of radiation at levels that are either directly or indirectly injurious to human health;

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 meaning given by the definition ‘the Convention’ in the Protection of the Sea (Prevention of Pollution from Ships) Act 1983;

Navigation Act means the Navigation Act 1912;

NLS tanker (or noxious liquid substances tanker) has the same meaning as in Regulation 1 of Annex II to MARPOL;

oil tanker has the same meaning as in Regulation 1 of Annex I to MARPOL;

operator means the owner of the ship or any other organisation or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the owner of the ship and who on assuming such responsibility has agreed to take over all duties and responsibilities imposed by the International Safety Management Code;

originating shipper means any person, organisation or Government which prepares a consignment of dangerous goods to be shipped by a consolidator in a cargo transport unit;

penal provision means a provision of this Part that is expressed to be a penal provision for the purposes of regulation 4 of the Navigation (Orders) Regulations;
Note: Subregulation 4 (1) of the Navigation (Orders) Regulations 1980 provides that a person commits an offence if the person does not comply with a provision of an order made under subsection 425 (1AA) of the Navigation Act that is expressed to be a penal provision. A person who is found guilty of such an offence is punishable by a fine not exceeding 50 penalty units. The maximum penalty that a court may impose on a body corporate that fails to comply with a penal provision is 250 penalty units.

**person in charge** means the person in charge for the purposes of Marine Orders Part 32 (Cargo Handling Equipment);

**shipper** means any person, organisation or Government which prepares a consignment for transport and, in the case of dangerous goods shipped by cargo transport unit in less than full cargo transport unit load, includes the consolidator of those goods;

**SOLAS** means the Safety Convention as defined in the Navigation Act;

**survey authority** means a corporation or association for the survey of shipping, approved by AMSA, in writing, for the purposes of the Navigation Act;

Note: A list of approved survey authorities is available on AMSA’s website: [www.amsa.gov.au](http://www.amsa.gov.au)

**surveyor** means a person appointed to be a surveyor under section 190 of the Navigation Act;

**tanker** means a chemical tanker, gas carrier, NLS tanker and an oil tanker;

**underdeck space** means a hold or a covered space that is used to stow cargo and includes a space within a superstructure or deck erection but does not include an open deck space for vehicles.

### 3 Interpretation

3.1 In regulation 5 of Chapter VII of SOLAS, **approved by the Administration** means:

(a) in respect of an Australian ship—approved by the Manager, Ship Inspections or a survey authority;

(b) in respect of a ship registered in a country other than Australia—approved by, or on behalf of, the Administration of that country.

3.2 Unless otherwise specified in this Part, a reference in this Part to ‘competent authority’ in the IMDG Code is, in relation to a shipment of dangerous goods from Australia, to be read as a reference to the Manager, Ship Inspections.

3.3 A reference in this Part to a class of dangerous goods is a reference to a class as defined in Part 2 of the IMDG Code.

3.4 Words and phrases defined in the IMDG Code have the same meaning in this Part, unless otherwise defined in this Part.

3.5 In this Part:

(a) headings and subheadings are part of the Part; and

(b) the Appendix is part of the Part; and

(c) a note is not part of the Part, but may provide additional information or guidance in applying the Part.

### 4 Application

4.1 Subject to 4.2 and unless otherwise provided, this Part applies to, and in relation to:
(a) the carriage of dangerous goods in a ship:
   (i) registered in Australia; or
   (ii) registered in a country other than Australia that is in the territorial sea of Australia or in waters on the landward side of the territorial sea; and

(b) persons engaged in:
   (i) packing dangerous goods intended to be carried in such ships;
   (ii) loading dangerous goods on to such ships;
   (iii) stowing dangerous goods on such ships; or
   (iv) unloading dangerous goods from such ships.

4.2 This Part does not apply to:
(a) dangerous goods forming part of the equipment or stores required for the navigation, safety or maintenance of the ship or required for the intended operations of the ship; or

(b) dangerous goods to the extent that their handling is regulated under the Explosives Act 1961.

5 Modifications or exemptions

5.1 Modification

The Manager, Ship Inspections, being satisfied in any particular case that a requirement of this Part may be modified or varied without danger to person or property, may allow such modification to apply in that case either unconditionally or subject to such conditions as that officer considers appropriate.

5.2 Exemption

The Manager, Ship Inspections, being satisfied that the application of a requirement of this Part would in the circumstances be unreasonable, may exempt the shipper or the master, owner or agent of a ship, or a ship included in a class of ships, from compliance with that requirement to the extent specified, subject to any conditions specified.

5.3 Modifications and exemptions not to contravene SOLAS

The Manager, Ship Inspections must not allow a modification under provision 5.1 or give an exemption under provision 5.2 if it would contravene SOLAS.

Note An application for a modification or an exemption must be made to the Manager, Ship Inspections. An application must be accompanied by all relevant information. The Manager, Ship Inspections may seek additional information to assist in reaching a decision.
6 Review of decisions

6.1 Internal review

6.1.1 If the Manager, Ship Inspections, makes a decision under this Part, a person affected by the decision may apply to the Deputy CEO for review of that decision before the later of the following:

(a) 3 months from the date of notification of the decision; and
(b) another period determined by the Deputy CEO that exceeds 3 months.

6.1.2 An application for internal review under provision 6.1.1 must:

(a) be in writing; and
(b) be accompanied by such information as the Deputy CEO requires to enable him or her to make a decision.

6.1.3 The Deputy CEO may:

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

6.1.4 The Deputy CEO must notify his or her decision in writing to the applicant within 28 days of receiving the application for internal review.

6.1.5 Failure to comply with 6.1.4 in relation to a decision does not affect the validity of that decision.

6.2 Review by the Administrative Appeals Tribunal

6.2.1 Application may be made to the Administrative Appeals Tribunal for review of a decision made by the Deputy CEO under provision 6.1.3.

6.2.2 The notice under provision 6.1.4 must include:

(a) 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; and
(b) 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 provision 6.2.2 in relation to a decision does not affect the validity of that decision.

7 Requirements for dangerous goods and their packing, stowing and carriage

For the purposes of subsection 253A (2) of the Navigation Act, the requirements with which dangerous goods and the packing, stowing and carriage of such goods must comply are the following:
(a) Parts A and D of Chapter VII of SOLAS;
(b) the provisions of the IMDG Code that are expressed by the Code to be mandatory;
(c) the Appendix to this Part; and
(d) for goods to which the INF Code applies, the INF Code.

Note 1 There may be additional requirements under the Protection of the Sea (Prevention of Pollution from Ships) Act 1983, and Marine Orders Part 94 (Pollution Prevention (Packaged Harmful Substances)), which give effect to the dangerous goods aspects of MARPOL.

Note 2 Subsection 253A (2) of the Navigation Act provides that a person shall not send by, or carry in, a ship any dangerous goods which do not, or the packing, stowing or carriage of which does not, comply with such requirements as are prescribed or determined by AMSA. The penalty for contravening this provision is $10,000 or 4 years imprisonment or both. By virtue of sections 4AA and 4AB of the Crimes Act 1914, this penalty is now $11,000.

Note 3 Section 254 of the Navigation Act provides that if, in the opinion of AMSA, the carriage of any particular cargo or goods in any ship would endanger its safety or interfere with the comfort of its passengers or crew, it may notify the master or owner accordingly. It is an offence to take the ship to sea with such cargo or goods on board and the ship may be detained until they have been removed from the ship.

Note 4 Where a ship is required by SOLAS II-2/54.3 or SOLAS II-2/19.4, as appropriate, to carry a Document of Compliance for the carriage of dangerous goods, dangerous goods not carried in accordance with the Document of Compliance may be regarded as endangering the safety of that ship.

Note 5 See provision 11 for further information regarding the wide powers of persons authorised by the Minister (for example surveyors) under section 413 of the Navigation Act to inspect ships, premises and documentation. Failure to give adequate access to a surveyor may result in a ship being detained until its safety can be determined.

8 Requirements for training

8.1 Each employer of persons engaged in any activity relating to the handling, packing, stowing and carriage of dangerous goods must ensure that every such employee receives training, including refresher training, complying with Chapter 1.3 of the IMDG Code commensurate with his or her responsibilities.

Note Chapter 1.3 of the IMDG Code requires general awareness/familiarisation training and function-specific training for shore-based personnel.

8.2 In addition to 8.1, an employer must ensure that the following function-specific training is provided by or as part of an accepted training course:

(a) packing dangerous goods in packages;
(b) marking, labelling or placarding dangerous goods;
(c) loading or unloading cargo transport units; and
(d) preparing transport documents for dangerous goods.

Note 1 A list of accepted training providers is available on AMSA’s website at www.amsa.gov.au

Note 2 Where a training provider has applied to the Manager, Ship Inspections, for acceptance of a training course, or the Manager, Ship Inspections, is satisfied that a training provider intends to apply for such acceptance, the course may be treated as an accepted training course until 1 January 2011, or until the course is assessed by the Manager, Ship Inspections, whichever is sooner. Training providers or employers opting to take advantage of this transitional arrangement must be aware that, if the course is found to be inadequate, then those trained will need to be trained or retrained in an accepted training course to the extent of the inadequacy.
9 Notice of intention to ship dangerous goods

9.1 How notification is to be made

9.1.1 Section 255 of the Navigation Act requires that, before any dangerous goods are shipped in any ship, the shipper thereof must give notice of intention to ship the goods in the manner and to the person prescribed.

Note Section 255 of the Navigation Act specifies a penalty up to $2,000 for non-compliance. By virtue of sections 4AA and 4AB of the Crimes Act 1914, this penalty is now $2,200. In addition, section 137 of the Criminal Code provides for a maximum penalty of 12 months imprisonment for giving information or documents that are false or misleading in a material particular.

9.1.2 The manner of giving notice is by completing a Multimodal Dangerous Goods Form, in accordance with Chapter 5.4 of the IMDG Code, and the person or persons to whom that form must be provided is as follows:

(a) if the dangerous goods are to be consolidated in a cargo transport unit:
   (i) the originating shipper must give a copy of the Multimodal Dangerous Goods Form to the consolidator; and
   (ii) the consolidator must give a copy of all of the Multimodal Dangerous Goods Forms relevant to the cargo transport unit to the master of the ship;

(b) in any other case—the shipper must give a copy of the Multimodal Dangerous Goods Form to the master of the ship; and

(c) if requested by a surveyor, the shipper must give a copy of the Multimodal Dangerous Goods Form to the surveyor at the AMSA office that is at, or near to, the port of loading.

Note1 A consolidator providing documentation on behalf of the originating shipper must meet the notification requirements of the originating shipper as well as those of the consolidator.

Note 2 The Multimodal Dangerous Goods Form as set out in the IMDG Code is available from AMSA’s website: www.amsa.gov.au. The Multimodal Dangerous Goods Form may be faxed or emailed to AMSA using the contact details set out in the Multimodal Dangerous Goods Form. Strict adherence to the layout of the form is not required provided all the information mentioned in the Multimodal Dangerous Goods Form is given. If a shipper uses an electronic means to send the Multimodal Dangerous Goods Form, the shipper must identify himself or herself. If information in the Multimodal Dangerous Goods Form is illegible or the person completing the Form cannot be identified, notice will not be taken to have been given in accordance with the Navigation Act.

Note 3 A shipper or consolidator should ensure that, before a Multimodal Dangerous Goods Form is signed or otherwise forwarded in compliance with this Part, it has been prepared by a person who has received appropriate training in accordance with Provision 8.

9.1.3 A Competent Authority Approval and Certificate that relates to the dangerous goods mentioned in provision 9.1.2, must be given to the following persons:

(a) if the dangerous goods are to be consolidated in a cargo transport unit:
   (i) the originating shipper must give a copy of the Competent Authority Approval and Certificate to the consolidator; and
   (ii) the consolidator must give a copy of the Competent Authority Approval and Certificate covering the cargo transport unit to the master of the ship;

(b) in any other case—the shipper must give a copy of the Competent Authority Approval and Certificate to the master of the ship; and
(c) if requested by a surveyor, the shipper must give a copy of the Competent Authority Approval and Certificate to the surveyor at the AMSA office that is at, or near to, the port of loading.

9.1.4 The Multimodal Dangerous Goods Form and the Competent Authority Approval and Certificate (if any) must be given to the master as soon as practical after arrival of the ship at the port of shipment and in any case before the goods are loaded on board the ship.

9.1.5 The master must provide to a surveyor at the AMSA office at or nearest to the port of loading a special list or manifest relating to the goods that are to be loaded on board the ship in accordance with provision 9.1.6.

This is a penal provision.

Note 1 Although in many cases the special list or manifest may be prepared and submitted by a person acting on the master’s behalf (e.g. the ship’s agent), the master is responsible for ensuring that it is provided to the surveyor.

Note 2 An example of a special list or manifest is the ‘Dangerous Goods Manifest’ which is found in IMO Circular FAL.2/Circ.51/Rev1 and reproduced in the Appendix to the Supplement to the IMDG Code. Other forms that provide information similar to that set out in the ‘Dangerous Goods Manifest’ are also acceptable.

9.1.6 The special list or manifest referred to in 9.1.5 must be provided as soon as practicable, but in any case before the goods are placed on board the ship. If it is not practicable for all the information required to be provided at least 24 hours before the goods are to be loaded, the master must provide the following information at least 24 hours before the goods are to be loaded:

(a) ship name;
(b) the ship’s IMO number;
(c) port of loading;
(d) date of loading and departure; and
(e) classes of goods being loaded.

9.1.7 The master must inform a surveyor at the AMSA office at, or nearest to, the port of loading in writing of any subsequent changes to the special list or manifest before the goods are loaded on board the ship.

This is a penal provision.

9.2 Transhipment of dangerous goods

9.2.1 This provision applies to dangerous goods in packaged form that are being transhipped in Australia.

9.2.2 Provision 9.1 applies to dangerous goods in packaged form that are repacked in Australia.

9.2.3 If provision 9.2.2 does not apply, it is sufficient for the person organising the transhipment to:

(a) give the master:

(i) a copy of the dangerous goods transport documentation covering the previous part of the voyage;
(ii) a copy of the Multimodal Dangerous Goods Form containing ship and voyage information for the intended voyage that is endorsed to the effect that the goods are being transhipped; and

(b) if requested by a surveyor—give the surveyor at the AMSA office that is at, or near to, the port of loading, a copy of the documents mentioned in paragraph (a).

Note A Multimodal Dangerous Goods Form is an example of a dangerous goods transport document. See Chapter 5.4 of the IMDG Code for further information.

9.3 Definition

In this provision:

**Competent Authority Approval and Certificate** has the meaning given by clause 7.9.2 of the IMDG Code but does not include an approval or a certificate issued under Chapters 6.1 to 6.9.3 of the IMDG Code which relates to bulk containers, intermediate bulk containers, multiple element gas containers, packagings, portable tanks or road tank vehicles.

10 Responsibilities of master, person in charge and individuals

10.1 Responsibility of master

If dangerous goods are on board a ship, or are to be loaded into or onto a ship, or unloaded from a ship, the master must ensure a safe system of work for crew members and other persons on board the ship. In particular, the master must ensure that:

(a) adequate warning of the risks are given to crew members and other persons on board the ship and that they are advised of suitable precautions to be taken;

(b) any incident involving dangerous goods, including leakage and spillage of goods that are or might be dangerous goods, occurring on board the ship are reported as soon as possible to a surveyor;

(c) no bunkering is carried out at any time during the handling of dangerous goods of Class 1 (other than Class 1.4S); and

(d) radio transmitters are not operated in an unsafe manner during loading or unloading of explosive articles.

This is a penal provision

Note 1 The precautions in this provision are in addition to the safety requirements of Marine Orders Part 32 (Cargo Handling Equipment).

Note 2 AMSA Form 18 may be used to report an incident. Form 18 is available from AMSA’s website: www.amsa.gov.au. In addition, the port authority nearest to the location of the incident may need to be notified.

Note 3 A portable VHF or UHF radio transmitter, other than a mobile telephone, may be operated near an explosive article if the transmitter’s aerial or aerial system is more than 2 metres from that article. However, a radio transmitter or radar transmitter, including a mobile telephone, must not be operated within 100 metres of any explosive article. Radio transmitters and radar transmitters located on the ship must be made inoperable by either opening the main power switches to the transmitters or by operation of interlocks. Appropriately located notices must be displayed warning against the operation or energizing of transmitters.
10.2 Responsibility of person in charge

If dangerous goods are on board a ship, or are to be loaded into or onto a ship, or unloaded from a ship, the person in charge must ensure a safe system of work for persons engaged in loading or unloading of cargo. In particular, the person in charge must ensure that:

(a) adequate warning of the risks are given to persons engaged in loading or unloading of cargo and that they are advised of suitable precautions to be taken;
(b) any incident involving dangerous goods, including leakage and spillage of goods that are or might be dangerous goods, occurring during loading or unloading onto a ship, or prior to loading onto a ship, is reported as soon as possible to a surveyor;
(c) dangerous goods showing evidence of damaged packagings are not handled without permission of a surveyor;
(d) goods that are, or might be, dangerous goods that are leaking or spilling are not handled without permission of a surveyor; and
(e) radio transmitters are not operated in an unsafe manner during loading or unloading of explosive articles.

This is a penal provision.

Note 1 AMSA Form 18 may be used to report an incident. Form 18 is available from AMSA’s website: In addition, the port authority nearest to the location of the incident may also need to be notified.

Note 2 A portable VHF or UHF radio transmitter, other than a mobile telephone, may be operated near an explosive article if the transmitter’s aerial or aerial system is more than 2 metres from that article. However, a radio transmitter or radar transmitter, including a mobile telephone, must not be operated within 100 metres of any explosive article. Appropriately located notices must be displayed warning against the operation or energizing of transmitters.

10.3 Responsibility of individuals

If dangerous goods are on board ship, or are to be loaded into or onto a ship, or unloaded from a ship, each person on board a ship, or engaged in loading or unloading of cargo, must:

(a) act upon any warnings or advice given to him or her by the master or person in charge;
(b) refrain from smoking, except in such part of the ship as the master designates for such purpose;
(c) not use or permit another person to use a spark or flame, except in such part of the ship as the master designates for such purpose; and
(d) not engage in, or permit another person to engage in, metal welding or cutting, on a ship while dangerous goods are on board, except in such part of the ship as the master designates for such purpose.

This is a penal provision.

Note The local port authority should also be consulted before any burning or welding is carried out within port limits, on a ship containing dangerous goods.

11 Inspections

11.1 A surveyor may inspect any cargo transport unit or package in which dangerous goods:
(a) have been packed; or
(b) are being packed; or
(c) are intended to be packed;

in order to establish whether the relevant provisions of the IMDG Code are being complied with.

Note  To enable AMSA to carry out this function, persons authorised by the Minister (for example surveyors) under section 413 of the Navigation Act have wide powers to inspect ships, premises and documentation. Failure to give adequate access to a surveyor may result in a ship being detained until its safety can be determined.

11.2 A surveyor may carry out audits, in accordance with Chapter 1.3 of the IMDG Code.

11.3 A person must not wilfully refuse a reasonable request from a surveyor to carry out an audit under 11.2.

This is a penal provision.

11.4 A surveyor may inspect any dangerous goods on board a ship arriving at a port in Australia.

11.5 If a surveyor considers that a cargo transport unit or package containing dangerous goods, or dangerous goods contained in the cargo transport unit or package, do not comply with the relevant provisions of the IMDG Code, the surveyor may direct that the cargo transport unit or package must not be loaded on or unloaded from a ship until:

(a) the surveyor is satisfied that:

   (i) the cargo transport unit or package complies with the relevant provisions of the IMDG Code; or
   (ii) the dangerous goods contained in the cargo transport unit or package comply with the relevant provisions of the IMDG Code; or

(b) specified conditions have been met.

11.6 A person must not load or unload a cargo transport unit or package on or from a ship in contravention of a direction given under provision 11.5.

This is a penal provision.

12  Information on incident response

12.1 The operator of a ship on which it is intended to carry dangerous goods in packaged form must issue detailed instructions on emergency response and medical first aid relevant to incidents involving those goods which comply with Regulation VII/2.4 of SOLAS.

This is a penal provision.

Note  An operator who complies with chapter 5.4.3.2 of the IMDG Code (Emergency response information) will meet the requirements of this provision.

12.2 The master of a ship on which dangerous goods in packaged form are to be carried must ensure that the detailed instructions on emergency response and medical first aid issued by the ship’s operator are readily available on board the ship.

This is a penal provision.
13 Incidents at sea involving dangerous goods

13.1 If an incident takes place involving the loss, or the likely loss, overboard of dangerous goods in packaged form into the sea, the master or other person having charge of the ship must report the particulars of such incident without delay and to the fullest extent possible to the nearest coastal State.

This is a penal provision.

Note The reporting requirement under provision 13.1 is met if a marine pollutant incident report is made under Marine Orders Part 94 (Marine Pollution Prevention — Packaged Harmful Substances).

13.2 In the event of a ship referred to in provision 13.1 being abandoned, or in the event of a report from such a ship being incomplete or unobtainable, the operator of the ship, or agent of the ship, must make or complete the report.

This is a penal provision.

* * * * *
Appendix

Interpretations, amplifications and requirements supplementary to the IMDG Code

1 Application

The provisions of this Appendix apply to a ship and to the packing, stowing or carriage of dangerous goods in relation to a ship, if the ship is:

(a) registered in Australia:
   (i) when loading dangerous goods in an Australian port; and
   (ii) when loading dangerous goods in a port of another country provided that such loading must, in the case of conflict, comply with the statutory requirements of that country; and

(b) registered in a country other than Australia—when the ship is loading dangerous goods in an Australian port.

2 Interpretation of the IMDG Code

In applying the IMDG Code, foodstuffs means any food, pharmaceutical or other material intended for human or animal ingestion but does not include skin creams and liniments etc. not meant for ingestion.

3 Packaging Approval

3.1 Subject to clause 3.2, packagings for dangerous goods must be tested to the requirements of Part 6 of the IMDG Code and approved by the competent authority.

   Note 1 Part 6 of the IMDG Code is ‘Construction and testing of packagings, immediate bulk containers (IBCs), large packagings, portable tanks, multiple element gas containers and road tank vehicles’.

   Note 2 Packagings approved by State and Territory government competent authorities to the requirements of the Australian Dangerous Goods Code, or the UN Recommendations on the Transport of Dangerous Goods (colloquially known as the ‘Orange Book’) are acceptable, provided that such requirements are not inferior to those in the IMDG Code.

3.2 All Type B packaging for radioactive materials must be approved by the Manager, Ship Inspections.

4 Cargo transport units

4.1 The packing of cargo transport units must comply with the IMO/ILO/UN ECE Guidelines for Packing of Cargo Transport Units.
4.2 The packing of dangerous goods into cargo transport units must be supervised by a competent person:

(a) with a knowledge of:
   (i) the requirements of the IMDG Code; and
   (ii) the IMO/ILO/UN ECE Guidelines for Packing of Cargo Transport Units; and

(b) trained in accordance with Chapter 1.3 of the IMDG Code.

4.3 A cargo transport unit in transit under fumigation:

(a) must comply with the relevant provisions of the Recommendations on the Safe Use of Pesticides in Ships; and

(b) must, as far as practicable, comply with the relevant provisions of the IMO/ILO/UN ECE Guidelines for Packing of Cargo Transport Units.

Note: The Recommendations on the Safe Use of Pesticides in Ships can be found in the Supplement to the IMDG Code.

5 Portable Tanks, including Tank Containers

5.1 Interpretation

5.1.1 In Chapters 6.7, 6.8 and 6.9 of the IMDG Code:

authorized body means:
   (a) a survey authority; or
   (b) a State or Territory competent authority for road or rail transport;

national material standards means the yield and ultimate strength, ductility and other mechanical or chemical criteria specified in Australian Standard AS 1210 (Pressure Vessels) or, if such details are not specified in AS 1210, as determined by the Manager, Ship Inspections; and

recognised pressure vessel code means, for tanks designed and built for registration in Australia, the Australian Standard AS 1210 (Pressure Vessels) or another standard which is:
   (a) applicable to marine transport;
   (b) suitable for pressures under consideration;
   (c) suitable for the types of substances to be carried in the portable tank; and
   (d) otherwise appropriate and acceptable to the Manager, Ship Inspections.

Note: Part 6 of the IMDG Code is ‘Construction and testing of packagings, immediate bulk containers (IBCs), large packagings, portable tanks, multiple element gas containers and road tank vehicles’.

5.1.2 Where the IMDG Code specifies compliance with the requirements of the competent authority for road or rail transport, this means compliance with the relevant sections of the Australian Code for the Transport of Dangerous Goods by Road and Rail.
5.2 **Additional requirements**

In addition to the requirements of this Part:

(a) the frames of tank containers must be constructed, tested and marked in accordance with the requirements of Marine Orders Part 44 (Safe Containers); and

(b) portable tanks, other than tank containers, that are designed to be lifted must be tested and marked in accordance with Marine Orders Part 32 (Cargo Handling Equipment).

6 **Stowage on deck**

If dangerous goods are stowed on deck, they must not obstruct:

(a) the approach to, or exit from (including an emergency escape route), any accommodation space, working space, hold or underdeck space; or

(b) the access to, or interfere with the operation of, any life-saving appliances, fire-fighting appliances, closing appliances or the proper navigation of the ship.

7 **Special requirements for particular substances**

7.1 **Interpretation**

In Chapter 7.8.3.1 of the IMDG Code, the competent authority is the Department of the Environment, Water, Heritage and the Arts.

7.2 **Class 1 substances (explosives)**

7.2.1 The detailed examination required by Chapter 7.4.6.4.2 of the IMDG Code of a cargo transport unit to be loaded with goods of Class 1 must, subject to clause 7.2.2, be carried out by a surveyor before the cargo transport unit is packed.

7.2.2 Because the nature and quantity of goods of Class 1.4S may be of low risk, a surveyor may determine that an inspection by a surveyor of a cargo transport unit to be loaded only with goods of Class 1.4S is unnecessary. In such cases the shipper must:

(a) ensure that the cargo transport unit is structurally serviceable; and

(b) meet other requirements of Chapter 7.4.6.4.2 of the IMDG Code.

7.2.3 Explosives must not be carried in a tanker except with the approval of the Manager, Ship Inspections, such approval being subject to such conditions as the Manager, Ship Inspections considers necessary.

*Note 1 Chapter 7.4 of the IMDG Code provides for transport of cargo transport units on board ships.*

*Note 2 State or Territory legislation for road or rail transport may require the lining of containers or the like for other Class 1 substances or articles.*

*Note 3 Requests for inspection of shipments of Class 1 dangerous goods must be made as early as possible to a surveyor at the AMSA office at, or nearest to, the place of inspection.*
7.3 Class 7 substances (radioactive)

The safe stowage and securing of Class 7 substances, both in a cargo transport unit and on board ship, is to be verified by examination by a surveyor in a manner determined by the Manager, Ship Inspections, to be appropriate to the radioactive hazard presented by the cargo.

Note. Requests for verification of shipments of Class 7 dangerous goods should be made as early as possible, and in the case of a cargo transport unit prior to packing, to a surveyor at the AMSA office at or nearest to the place of inspection.

7.4 Hazardous waste materials

All export shipments of hazardous waste materials must have attached to the Multimodal Dangerous Goods Form, relevant to the shipment, a copy of the waste movement document as required by Chapter 7.8.3.2 of the IMDG Code and provided by the Department of the Environment, Water, Heritage and the Arts.

Note. Such shipments also need to comply with the Hazardous Waste (Regulation of Exports and Imports) Act 1989. This Act is administered by the Department of the Environment, Water, Heritage and the Arts.

8 Stowage of toxic and flammable gases or liquids below deck

8.1 Application

A ship will not be permitted to load or carry flammable liquids of packaging group I or II or flammable gases (whether by main or subsidiary risk) in an underdeck space unless the Document of Compliance required by regulation 19.4 or regulation 54.3, as applicable, of Chapter II-2 of SOLAS, permits such carriage. Where neither of those regulations apply to a ship, and no Document of Compliance is carried, flammable gases or liquids will only be permitted to be loaded in a specified underdeck space when authorised by the flag Administration, having regard to the precautions listed in clauses 8.2 to 8.4.


8.2 Electrical

8.2.1 All switches, fuses, lamp fittings or other electrical appliances in the compartment must be electrically isolated.

8.2.2 If the electric cables and junction boxes in a compartment cannot be electrically isolated, dangerous goods may only be stowed in the compartment if that compartment complies with the following requirements:

(a) the electric cables must be:

(i) enclosed in heavy gauge steel conduit; or

(ii) protected by an electrically continuous metal sheathing and steel wire armouring; or

(iii) of the mineral insulated metal sheathed type;
(b) tests of the insulation resistance of any cable traversing the compartment must be made
to ascertain the condition of the cable and a surveyor must be satisfied with the results
of those tests;

(c) any junction box in the compartment serving a circuit that is not isolated must be:
   (i) gas tight;
   (ii) of sound construction; and
   (iii) sited or protected to prevent mechanical damage;

(d) a live circuit must not include or serve an electrical appliance in the compartment.

8.3 **Ventilation**

8.3.1 Ventilators serving the compartment must be so sited that exhaust gases and vapours are
safely dispersed so as not to endanger the ship or persons on board.

8.3.2 The compartment must be thoroughly ventilated after the dangerous goods have been
discharged and no source of ignition is to be introduced into the compartment until the danger
of explosion or fire has been removed.

8.4 **Bilges and wells**

If a flammable or toxic gas or liquid is stowed in a compartment, the bilge suction pipe from
that compartment into the machinery space must be isolated either by fitting a blank flange or
by a closed lockable valve. Warning notices must be displayed at appropriate conspicuous
locations.

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