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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

Appendix—Forms

Previous issues

Issue 1, Order No.1 of 1988
   —Amended by Order No.10 of 1994
   —Amended by Order No.8 of 1995

Issue 2, Order No.5 of 1998
   —Amended by Order No.10 of 1999

Issue 3, Order No.3 of 2001
   —Amended by Order No.7 of 2001

Issue 4, Order No.1 of 2005

Order No. 15 of 2006

Federal Register of Legislative Instruments F2006L04221
1 Purpose & power

1.1 Purpose

1.1.1 This Part of Marine Orders gives effect to all or part of Regulations 2, 3, 5, 6, 9, 10, 12, 13, 14, 16, 18 to 35 (inclusive) of Annex I to MARPOL, which includes matters dealing with requirements on oil tankers to minimise oil pollution through the contamination of ballast water or through collision or stranding, or side and bottom damage.

1.1.2 The Part also prescribes various matters, such as survey and certification requirements and appropriate forms to be used to report pollution incidents, for the purposes of Division 12 of Part IV of the Navigation Act and Part II 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. Section 267A of the Navigation Act provides that the regulations may make provision for and in relation to giving effect to Regulations 12, 13, 14, 16, 18, 24, 25, 26 and 28 to 35 (inclusive) of Annex I of MARPOL.

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

(a) required or permitted 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.

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 I means Annex I 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;

Condition Assessment Scheme means the Condition Assessment Scheme adopted by IMO Resolution MEPC.94(46), as amended by IMO Resolutions MEPC.99(48), MEPC.112(50) and MEPC.131(53), compliance with which is required by regulation 20.6 of Annex I;

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 the Convention, 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;

IMO means the International Maritime Organization;¹

IOPP Certificate means a ship construction certificate referred to in section 267B of the Navigation Act or an International Oil Pollution Certificate referred to in section 267C of the Navigation Act;²

¹ Copies of IMO resolutions or other documents referred to in this Part are available from AMSA.
² The ship construction certificate referred to in section 267B of the Navigation Act and the International Oil Pollution Certificate referred to in section 267C of the Navigation Act are, in fact, identical.
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;³

Navigation Act means the Navigation Act 1912;

penal provision means a penal provision for the purposes of Regulation 4 of the Navigation (Orders) Regulations⁴ or Regulation 4 of the Protection of the Sea (Prevention of Pollution from Ships)(Orders) Regulations;⁵

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;⁶ and

surveyor means a person appointed as a surveyor under section 190 of the Navigation Act.

3 Interpretation

3.1 For the purposes of:

(a) paragraphs 4 and 5 of regulation 3;  
(b) paragraphs 4 and 5 of regulation 14;

³ 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).

⁴ 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.

⁵ 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.

⁶ 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.
(c) paragraphs 5 and 7 of regulation 20; and
(d) paragraphs 5, 6 and 7 of regulation 21,
of Annex I, reference to the Administration is to be read as a reference to the Manager, Ship Inspections.

3.2 For the purposes of:
(a) paragraphs 6 and 7 of regulation 14;
(b) paragraphs 5, 8.2, 8.3, 8.4 and 10.1.1 of regulation 18;
(c) paragraph 8 of regulation 19;
(d) the first sentence of paragraph 5 of regulation 25;
(e) regulation 27;
(f) regulation 28;
(g) paragraphs 2.1 and 2.3 of regulation 29;
(h) paragraphs 6 and 7 of regulation 30;
(i) paragraphs 1, 2, 3 and 4 of regulation 31;
(j) regulation 32;
(k) paragraphs 1 and 2 of regulation 33; and
(l) paragraph 1 of regulation 35,
of Annex I, reference to the Administration is to be read as a reference to the Manager, Ship Inspections, or a survey authority, as appropriate.

3.3 For the purposes of:
(a) paragraph 6 of regulation 2;
(b) paragraphs 10.1.2 and 10.3 of regulation 18;
(c) paragraph 8.1 of regulation 20;
(d) paragraph 8.1 of regulation 21; and
(e) the final sentence of paragraph 5 of regulation 25,
of Annex I, reference to the Administration is to be read as a reference to AMSA.

3.4 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.
3.5 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 267(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 11A, 12 and 13 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 The Manager, Ship Inspections, must not allow an equivalent under 5.1 if it would contravene Annex I.
5.3 For the purposes of subsection 267G(4) of the Navigation Act, naval auxiliaries are prescribed as exempt from the application of subsection 267G(1) of that Act absolutely.

5.4 The power of exemption in paragraph 1 of regulation 3 of Annex I expressed to be exercisable by the Administration is exercisable by the Manager, Ship Inspections.

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.

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 Regulations 12, 13, 14, 16, 18 to 35 (inclusive) of Annex I have the force of law as part of the law of the Commonwealth.

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

7.3 In accordance with regulation 20.8.2.1 of Annex I, an oil tanker referred to in regulation 20.5 of Annex I will not be permitted to enter an Australian port or offshore terminal after the anniversary of the date of the delivery of the ship in 2015, notwithstanding that the country of registration of the ship has allowed continued operation of that ship in accordance with regulation 20.5 of Annex I.

7.4 In accordance with regulation 20.8.2.2 of Annex I, an oil tanker referred to in regulation 20.7 of Annex I will not be permitted to enter an Australian port or offshore terminal after the relevant date specified in regulation 20.4, notwithstanding that the country of registration of the ship has allowed continued operation of that ship in accordance with regulation 20.7 of Annex I.

7.5 In accordance with regulation 21.8.2 of Annex I, an oil tanker referred to in regulation 21.5 or 21.6 of Annex I will not be permitted to enter an Australian port or offshore terminal after the relevant date specified in regulation 21.4, notwithstanding that the country of registration of the ship has allowed continued operation of that ship in accordance with regulation 21.5 or 21.6 of Annex I.

7.6 The operator or agent of an oil tanker which does not comply with regulation 19 of Annex I must provide the Manager, Ship Inspections, with the following information at least 48 hours before loading cargo for carriage to or from an Australian port or offshore terminal:

(a) name of ship;
(b) IMO number of ship;
(c) details of cargo (type, density or kinematic viscosity);
(d) name of the Australian port or offshore terminal;
(e) expected date of arrival or departure; and
(f) contact details of person or company providing information.

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8 Notice is to be sent to Manager, Ship Inspections, either by fax (+ 61 (0)2 6279 5058) or by e-mail (tankers@amsa.gov.au).
8 Surveys

8.1 Survey requirements

Every oil tanker of 150 tons gross tonnage and above, and every other ship of 400 tons gross tonnage and above, is subject to the following surveys and inspections:

(a) an initial survey before the ship is put in service or before an IOPP 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 three months before or after the second anniversary date or within three months before or after the third anniversary date of the IOPP Certificate, which will take the place of one of the annual surveys;

(d) an annual survey within 3 months before or after each anniversary date of the IOPP Certificate; and

(e) additional surveys, as occasion arises.

8.2 Initial survey

The initial survey must include a complete survey of its structure, equipment, systems, fittings, arrangements and material in so far as such is required by or provided for the purposes of, Annex I. 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 I.

8.3 Renewal surveys

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

8.4 Intermediate surveys

The intermediate survey must be such as to ensure that the equipment and associated pump and piping systems, including oil discharge monitoring and control systems, crude oil washing systems, oily-water separating equipment and oil filtering systems, fully comply with Annex I and are in good working order.
8.5 Annual surveys

The annual survey must include a general inspection of the 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 I.

8.7 Endorsement of certificates

The intermediate and annual surveys must be endorsed on the IOPP Certificate.

8.8 Maintenance of condition

8.8.1 The condition of the ship and its equipment must be maintained to conform with Annex I 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 I, 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.\(^9\)

This is a penal provision.

\(^9\) If the ship is at sea or at a port outside Australia, the report should be made to the Manager, Ship Inspections, through the Rescue Coordination Centre (RCC) Australia. Contact details for the RCC are provided in Form MO-91/2, set out in the Appendix.

If the ship is at a port in Australia, the report should be made through a surveyor at the nearest AMSA office. Contact details for the nearest AMSA office can be found at www.amsa.gov.au

If the ship is in a port outside Australia, the master must, in addition to reporting to the Manager, Ship Inspections, report the happening to the appropriate authority of the country in which the port is situated.
9 Certificates

9.1 Form of IOPP Certificate

For the purposes of sections 267B and 267C of the Navigation Act, the prescribed form is the International Oil Pollution Prevention Certificate appearing in Appendix II of Annex I.

9.2 Duration of certificates

An IOPP 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 267D or section 267F of the Navigation Act.

9.3 Commencement of renewal period

If an existing IOPP 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;

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

(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 IOPP 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 IOPP 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 IOPP 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 IOPP 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 IOPP 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 three 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

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10 “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.
(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 IOPP 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 8; or

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

(c) upon transfer of the ship to or from the Australian flag.11

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 section 267B of the Navigation Act, is a prescribed certificate.

10.2 Alteration or damage to ship

10.2.1 For the purposes of subsection 267D(1) of the Navigation Act, the following persons are prescribed persons:

(a) the Manager, Ship Inspections; and

(b) each Area Manager.

10.2.2 For the purposes of subsection 267D(1) of the Navigation Act, Form MO—91/1 in the Appendix is the prescribed form.

10.3 Service of notices

10.3.1 For the purposes of subsections 267D(6), 267D(7) and 267K(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

11 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 I.
(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 267D(6) and 267D(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 267D(6), 267D(7) and 267K(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 Emergency plans

10.4.1 For the purposes of subsection 11A(4) of the Pollution Prevention Act, the prescribed form is Guidelines for the Development of Shipboard Oil Pollution Emergency Plans, adopted by IMO as Resolution MEPC.54(32), as amended by MEPC.86(44).

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

10.5 Prescribed officers

10.5.1 For the purposes of section 9 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.

10.5.2 For the purposes of section 11 of the Pollution Prevention Act, the General Manager, Maritime Operations, and the General Manager, Emergency Response, in AMSA are prescribed officers.

10.5.3 For the purposes of section 14 of the Pollution Prevention Act, each Area Manager is a prescribed officer.
10.5.4 For the purposes of section 14A of the Pollution Prevention Act, the Manager, Ship Inspections, is a prescribed officer.

10.6 Prescribed manner of notifying a discharge

For the purposes of subsections 11(1) and 11(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) Australia¹², being a message that commences with the code letters POLREP and the name, IMO number and radio call-sign of the ship.

10.7 Prescribed form—harmful substances report

10.7.1 For the purposes of subsections 11(6) and 11(7) of the Pollution Prevention Act, the prescribed form for a harmful substances report is Form MO—91/2 in the Appendix.

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

10.8 Prescribed time for furnishing a report

For the purposes of subsections 11(6) and 11(7) of the Pollution Prevention Act, the period of 24 hours immediately following receipt of a request for a report is the prescribed time.

10.9 Oil record books

10.9.1 For the purposes of subsections 12(2) and 12(3) of the Pollution Prevention Act, a ship referred to in paragraph 12(1)(a) of that Act must carry oil record books consisting of the form set out in Part I and the form set out in Part II of Appendix III to Annex I.

¹² Contact details for the RCC are provided in Form MO-91/2, set out in the Appendix.
10.9.2 For the purposes of subsections 12(2) and 12(3) of the Pollution Prevention Act, a ship referred to in paragraph 12(1)(b) of that Act must carry an oil record book consisting of the form set out in Part I of Appendix III to Annex I.

10.9.3 Where a time is required to be specified in an oil 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).

10.10 Prescribed operations or occurrences

10.10.1 For the purposes of subsection 12(5) of the Pollution Prevention Act each of the following operations, being a machinery space operation, is a prescribed operation in relation to the ship (including an oil tanker):

(a) ballasting or cleaning of oil fuel tanks;
(b) discharge of dirty ballast or cleaning water from oil fuel tanks;
(c) collection and disposal of oil residues (sludge and other oil residues);
(d) discharge overboard or disposal otherwise of bilge water that has accumulated in machinery spaces; and
(e) bunkering of fuel or bulk lubricating oil.

10.10.2 For the purposes of subsection 12(5) of the Pollution Prevention Act, each of the following operations, being a cargo or ballast operation is a prescribed operation in relation to an oil tanker:

(a) loading of oil cargo;
(b) internal transfer of oil cargo during a voyage;
(c) unloading of oil cargo;
(d) ballasting of cargo tanks and dedicated clean ballast tanks;
(e) cleaning of cargo tanks including crude oil washing;
(f) discharge of ballast except from segregated ballast tanks;
(g) discharge of water from slop tanks;
(h) closing of all applicable valves or similar devices after slop tank discharge operations;
(i) closing of valves necessary for isolation of a dedicated clean ballast tank from cargo and stripping lines after slop tank discharge operations; and
(j) disposal of residues.
10.10.3 For the purposes of subsection 12(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 oil or an oily mixture from a ship for the purpose of:
   (i) securing the safety of the ship; or
   (ii) saving life at sea;
(b) the discharge into the sea of oil or an oily mixture in consequence of damage to the ship or its equipment;
(c) the discharge into the sea of substances containing oil for the purpose of combating specific pollution incidents;
(d) failure of oil discharge monitoring control system;
(e) failure of the oil filtering equipment; and
(f) the accidental or other exceptional discharge of oil not referred to above.

11 Specifications and interpretations

11.1 Established requirements

For the purposes of paragraph 2 of regulation 33 of Annex I, the established requirements are those specified in the Annex to IMO Resolution A.446(XI) as amended by IMO Resolutions A.497(XII) and A.897(21).

11.2 Unified Interpretation

For the purposes of this Part, a regulation of Annex I, being a regulation referred to in the Unified Interpretations of Annex I, published by IMO, is to be read and applied in accordance with that document.13

11.3 Exceptional cases

For the purposes of paragraph 3 of regulation 18 of Annex I, exceptional case includes the cases identified by 26.1 of the Unified Interpretation referred to in 11.2.

11.4 Crude oil washing system operations and equipment manual

For the purposes of paragraph 1 of regulation 35 of Annex I, a crude oil washing system operations and equipment manual containing the information specified in the Annex to IMO Resolution MEPC.3(XII), as amended by MEPC.81(43), is satisfactory.

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11.5 Oil content meters and oil discharge monitoring and control systems—approved design (oil tankers)

For the purposes of paragraph 8.3 of regulation 18 and paragraphs 6 and 7 of regulation 14 of Annex I, the design of an oil content meter or oil filtering equipment will not be approved unless the design is in accordance with the applicable specifications in:

(a) the Annex to IMO Resolution A.393(X) for oil content meters and systems installed on board tankers built before 2 October 1986; or

(b) the Annex to IMO Resolution A.586(14) for oil content meters and systems installed on board tankers built on or after 2 October 1986 but before 1 January 2005; or

(c) the Annex to IMO Resolution MEPC 108(49) for oil content meters and systems installed on board tankers built on or after 1 January 2005.

11.6 Oil filtering equipment—approved design (machinery spaces—all ships)

For the purposes of paragraphs 6 and 7 of regulation 14 of Annex I, the design of oil filtering equipment will not be approved unless it is in accordance with the applicable specifications in:

(a) the Annex to IMO Resolution A.393(X) for equipment installed on board ships on or after 14 November 1978 but before 30 April 1994; or

(b) the Annex to IMO Resolution MEPC.60(33) for equipment installed on board ships on or after 30 April 1994 but before 1 January 2005; or

(c) the Annex to IMO Resolution MEPC.107(49) for equipment installed on board ships on or after 1 January 2005.

11.7 Condition Assessment Scheme

For the purposes of the Condition Assessment Scheme in respect of an Australian registered ship:

(a) a reference to the Administration is to be read as a reference to the Manager, Ship Inspections; and

(b) a reference to a Recognised Organisation (RO) is to be read as a reference to a survey authority.

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Appendix

FORMS

AUSTRALIA

Form MO—91/1

Marine Orders, Part 91 (Marine Pollution Prevention—Oil)

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. Home port/port of registry.
4. Call sign.
5. Name of owner(s) or agent.
6. Address of principal place of business of owner or agent in Australia.
7. Date of issue and reference number of International Oil Pollution Prevention Certificate.
8. 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).
9. Name and address of person or corporation effecting alteration or repairs.
10. Reason(s) for, or cause(s) of, alteration or repairs.
11. Particulars of changes in the construction of the ship.
12. Additional information (if any) affecting the compliance of the ship with the provisions of Annex I (MARPOL).

...............................................
(signature of master or owner)

........................................
(date)

Federal Register of Legislative Instruments F2006L04221
AUSTRALIA

Form MO—91/2

Marine Orders, Part 91 (Marine Pollution Prevention—Oil)

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
    E-mail rccaus@amsa.gov.au

(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)).

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. Types and quantities of cargo and bunkers on board.
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. Brief details of actual pollution. These should include the type of oil, an estimate of the quantity discharged, whether the discharge is continuing, the cause of the discharge and, if possible, an estimate of the movement of the slick.

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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