EXPLANATORY NOTES
Marine Orders, Part 47
(Mobile Offshore Drilling Units)
Issue 2 (Amendment)
Order No 1 of 2001

Authority

1. Section 425(1) of the Navigation Act 1912 (the Navigation Act) empowers the Governor-General to make regulations necessary or convenient for carrying out or giving effect to the Act.

2. Section 425 (1AA) of the Navigation Act allows the Australian Maritime Safety Authority to make orders with respect to matters in Part IV and VB of the Act in relation to which provision may be made by regulations.

3. Marine Orders, Part 47, Issue 2, Order No 1 of 2001, Amendment, was made pursuant to section 425(1AA).

Gazette

4. Arrangements have been made for this Issue to be gazetted in the Commonwealth of Australia Gazette, Government Notices, Wednesday 24 February 2001.

Purpose

5. Marine Orders Part 47, for the purposes of the Navigation Act, prescribes matters pertaining to the construction, equipment, operation and safe navigation of mobile offshore drilling units (MODUs) and gives effect to the International Maritime Organization (IMO) resolutions with respect to MODUs.

6. This amendment has been made to clarify the meaning of text and to amend a penal offence for Provision 7.

Consultation

7. Consultation was not required as the purpose of this amendment was to clarify the existing provisions within Issue 2.

Overview

9. This amendment:
   - revises Marine Orders Part 47, Issue 2;
   - meets a commitment to the Standing Committee on Regulations and Ordinances to clarify text and to amend a penal offence.

Contents of the Order
Pages 3 to 6 of the order have been replaced as they contain provisions that have been amended. The amendments are as follows:

10. **Provision 2** indicates the purpose for which this Order has been made and specifies the types of MODUs to which this Part applies. This Provision has been amended to clarify that an exemption to a MODU constructed prior to 1 July 1986, would be given under Provision 3.2 (and therefore be reviewable).

11. **Provision 4** provides for the review by the Administrative Appeals Tribunal of specified decisions made under this Part and for the provision of a statement of reasons. The heading of Provision 4.2 has been amended to more accurately reflect the purpose of the provision.

12. **Provision 5** specifies, for the purpose of the Navigation (Orders) Regulations, the provisions that are penal provisions. This Provision has been amended to provide that failure to comply with Provision 7 of this Part constitutes an offence by the owner only.

Australian Maritime Safety Authority
January 2001