This compilation was prepared on 28 May 2007 taking into account amendments up to Marine Orders Part 17: Liquefied gas carriers and chemical tankers, Issue 6 (Amendment) (Order No. 3 of 2007)

Prepared by the Australian Maritime Safety Authority, Canberra
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### Previous issues

**Issue 1, Order No 9 of 1986**

**Issue 2, Order No 2 of 1989**

**Issue 3, Order No 6 of 1994**

**Issue 4, Order No 13 of 1998**  
—*Amended by Order No 19 of 1999*

**Issue 5, Order No 5 of 2002**

**Issue 6, Order No 3 of 2007**  
—*Amended by Order No 3 of 2007*
1 Purpose & power

1.1 Purpose

This Part of Marine Orders:

(a) gives effect to Parts B and C of Chapter VII of SOLAS,\(^1\) dealing with the construction and equipment of ships carrying dangerous liquid chemicals and liquefied gases in bulk;

(b) gives effect to requirements for minimising accidental pollution in accordance with Regulation 11 of Annex II to MARPOL; and

(c) makes provision generally for and in relation to the loading, stowing and carriage in ships of dangerous liquid chemicals and liquefied gases.

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 Section 267P of the Navigation Act makes provision for and in relation to giving effect to Regulation 11 of Annex II to MARPOL.

1.2.3 Section 257 of the Navigation Act provides that the regulations may make provision for and in relation to the loading, stowing and carriage of cargo in ships.

1.2.4 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.

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

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\(^1\) The current text of Chapter VII is to be found in the SOLAS Consolidated Edition 2004, amended by IMO Resolution MSC.170(79).
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*;

**BCH Code** means the IMO Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk adopted by IMO Resolution MSC.9(53), as amended by IMO Resolutions MSC.15(57), MSC.18(58), MSC.29(61), MSC.51(66), MSC.106(73), MSC.181(79) and MSC.212(81);

**EGC Code** means the IMO Code for Existing Ships Carrying Liquefied Gases in Bulk adopted by IMO Resolution A.329(IX);

**GC Code** means the IMO Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk adopted by IMO Resolution A.328(IX), as amended by IMO Resolutions MSC.60(67), MSC.107(73) and MSC.182(79);

**General Manager** means the person occupying the position of General Manager, Maritime Operations, in AMSA;

**IBC Code** means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, the consolidated text of which was adopted by IMO Resolution MSC.176(79);

**IGC Code** means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk adopted by IMO Resolution MSC.5(48), as amended by IMO Resolutions MSC.17(58), MSC.30(61), MSC.32(63), MSC.59(67), MSC.103(73) and MSC.177(79);

**IMO** means the International Maritime Organization;

**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** means the Convention as defined in the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*;

**Navigation Act** means the *Navigation Act 1912*;
penal provision means a penal provision for the purposes of Regulation 4 of the Navigation (Orders) Regulations;  

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

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

surveyor means a person appointed to be a surveyor under s.190 of the Navigation Act.

3 Interpretation

3.1 A reference to the Administration in a Code referred to in this Part is to be read as a reference to the Manager, Ship Inspections.

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

4 Application

Unless the contrary intention appears, this Part applies to and in relation to:
   (a) a ship registered in Australia; and  
   (b) a ship registered in a country other than Australia that is in the territorial sea of Australia or waters on the landward side of the territorial sea.

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2 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.
   By virtue of section 4AA of the Crimes Act 1914, a penalty unit is currently $110.

3 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 if they meet AMSA’s approval criteria.

4 Copies of IMO Resolutions or other documents referred to in this Part are available from AMSA.
5 Exemptions & equivalents

5.1 Exemptions

The Manager, Ship Inspections, if satisfied that compliance with a provision of this Part would be unnecessary or unreasonable having regard to a ship or class of ships, its equipment and its intended voyage, may exempt that ship or class of ships from compliance with such provision to the extent specified and subject to such conditions as that officer thinks fit.

5.2 Equivalents

Where 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.

5.3 Exemptions and equivalents not to contravene SOLAS or MARPOL

The Manager, Ship Inspections, must not give an exemption under 5.1 or allow an equivalent under 5.2 if it would contravene SOLAS, MARPOL or a Code referred to in this Part.

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, 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.

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5 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.
6.1.3 The General Manager may:
(a) affirm the original decision 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 General Manager must notify his or her decision in writing to the applicant 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 under 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 6.2.2 in relation to a decision does not affect the validity of that decision.

7 Certificate to be in force

7.1 Dangerous chemicals in bulk must not be loaded onto or unloaded from a ship constructed prior to 1 July 1986:
(a) in the case of a ship registered in Australia—at any port; or
(b) in the case of a ship not registered in Australia—at a port in Australia, unless there is in force in respect of the ship a valid Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, issued in accordance with the BCH Code.

7.2 A person must not fail to comply with Provision 7.1.
This is a penal provision.

7.3 Dangerous chemicals in bulk must not be loaded onto or unloaded from a ship constructed on or after 1 July 1986:
(a) in the case of a ship registered in Australia—at any port; or
(b) in the case of a ship not registered in Australia—at a port in Australia,
unless there is in force in respect of the ship a valid International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, issued in accordance with the IBC Code.

7.4 A person must not fail to comply with Provision 7.3.

This is a penal provision.

7.5 Liquefied gases in bulk must not be loaded onto or unloaded from a ship constructed prior to 1 July 1986:
(a) in the case of a ship registered in Australia—at any port; or
(b) in the case of a ship not registered in Australia—at a port in Australia, unless there is in force in respect of the ship:
(c) a valid Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, issued in accordance with the GC Code; or
(d) a valid Certificate of Fitness, issued in accordance with the EGC Code.

7.6 A person must not fail to comply with Provision 7.5.

This is a penal provision.

7.7 Liquefied gases in bulk must not be loaded onto or unloaded from a ship constructed on or after 1 July 1986:
(a) in the case of a ship registered in Australia—at any port; or
(b) in the case of a ship not registered in Australia—at a port in Australia, unless there is in force in respect of the ship a valid International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, issued in accordance with the IGC Code.

7.8 A person must not fail to comply with Provision 7.7.

This is a penal provision.

8 Issue and validity of certificates

8.1 Issue

A certificate of fitness referred to in Provision 7 will be issued by the Manager, Ship Inspections, or by a survey authority, in respect of a ship registered in Australia surveyed in accordance with the relevant Code and found to be in compliance with that Code.
8.2 Validity

A certificate of fitness issued in accordance with 8.1:
(a) remains in force for such period as is specified in the certificate, not being a period exceeding the maximum period prescribed by the relevant Code; and
(b) ceases to be valid if the ship fails to undergo such surveys as are prescribed by the relevant Code,
unless earlier cancelled by the Manager, Ship Inspections, or by a survey authority, due to failure of the ship or its equipment to comply with the relevant Code.

9 Operations

9.1 Ships to be operated in accordance with relevant Code

A ship to which:
(a) the BCH Code; or
(b) the IBC Code; or
(c) the GC Code; or
(d) the EGC Code; or
(e) the IGC Code,
applies must be operated at all times in accordance with the relevant Code.

9.2 A person must not fail to comply with Provision 9.1.

This is a penal provision.

9.3 Surveyor may stop loading or unloading

9.3.1 Where, in the opinion of a surveyor, a loading or unloading operation of a cargo to which this Part applies is or will be unsafe, whether or not the other provisions of this Part or the relevant Code are complied with, the surveyor may direct the person in control of the loading or unloading operation to stop the operation immediately or not to commence the operation.

9.3.2 Where a surveyor gives a direction under 9.3.1, the loading or unloading operation must not resume or commence until the surveyor is satisfied that the operation is safe and the direction is withdrawn.
9.3.3 A person must not fail to comply with Provision 9.3.2.

This is a penal provision.

9.4 Review

9.4.1 If a surveyor gives a direction under 9.3.1 or refuses to withdraw a direction under 9.3.2:

(a) the person in control of the loading or unloading operation; or

(b) the shipper of the cargo; or

(c) the owner, master or agent of the ship,

may request the Manager, Ship Inspections, to review that decision.

9.4.2 The Manager, Ship Inspections, must, if requested under 9.4.1, review the surveyor's decision and confirm, vary or withdraw it as the Manager, Ship Inspections, considers appropriate.

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Notes to Marine Orders Part 17: Liquefied gas carriers and chemical tankers, Issue 6

Note 1

Marine Orders Part 17: Liquefied gas carriers and chemical tankers, Issue 6 (in force under the Navigation Act 1912) as shown in this compilation comprise Order No. 3 of 2006 amended as indicated in the Tables below.

Table of Instruments

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Table Of Amendments

ad. = added or inserted  am. = amended  rep. = repealed  rs. = repealed and substituted

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