

EXPLANATORY NOTES
Marine Orders, Part 50
Special purpose ships
Issue 4
Order No. 2 of 2007

Authority

1. Subsection 425(1) of the *Navigation Act 1912* (the Navigation Act) empowers the Governor-General to prescribe matters required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to the Navigation Act.
2. Subsection 425(1AA) of the Act allows the Australian Maritime Safety Authority (AMSA) to make orders with respect to any matter for or in relation to which provision may be made by regulations.
3. Marine Orders, Part 50, Issue 4, was made pursuant to subsection 425(1AA).

Purpose

4. Marine Orders Part 50:
 - gives effect to the IMO *Code of Safety for Special Purpose Ships* (the Code), IMO Resolution A.534(13), as amended by MSC/Circ. 739 and Resolution MSC.183(79);
 - specifies classes of ships for the purposes of the definition of **special purpose ship** in section 283 of the Navigation Act; and
 - prescribes a class of persons for the purposes of the definition of **special personnel** in paragraph 283(d) of the Navigation Act.
5. Marine Orders Part 50, Issue 4, repeals Issue 3.

Consultation

6. A copy of the draft text of this Issue was circulated to Australian Shipowners Association, Shipping Australia Limited, Australian Petroleum Production & Exploration Association Limited, and approved survey authorities for comment. The draft was also placed on the AMSA internet website for public comment.

Overview

7. Marine Orders Part 50 is being amended to give effect to changes to the form of Special Purpose Ship Safety Certificate adopted by IMO Resolution MSC.183(79). In the form of the certificate a new section has been inserted between the section commencing with the words 'This Certificate is valid until....' and the section commencing with the words 'Issued at.....': **Completion date of the survey on which this certificate is based:(dd/mm/yyyy)**

8. This issue of Marine Orders Part 50 defines 'a special purpose ship' and 'special personnel' for the purposes of section 283 of the Navigation Act. The opportunity has also been taken to update both the definitions provision and the review of decisions provision to reflect current administrative titles and procedures.

Contents of the Order

9. **Provision 1** provides the purpose of this Order and the power to make this Order, pursuant to the Navigation Act.
10. **Provision 2** provides definitions of words and phrases and **Provision 3** provides interpretations to enable proper understanding of this Order.
11. **Provision 4** specifies the ships to which this Part does and does not apply.
12. **Provision 5** provides for the exemption of a ship from compliance with a provision of this Part, and the acceptance of an equivalent fitting, material, appliance or apparatus or type that is at least as effective as that required under the Part or by SOLAS or the Code.
13. **Provision 6** provides for an internal review by the General Manager of a decision made by the Manager, Ship Inspections, under this Part. This provision also provides for a review by the Administrative Appeals Tribunal of specified decisions made under this Part and for a statement of reasons to be provided by the decision-maker upon request of an applicant.
14. **Provision 7** prescribes the class of ships that are special purpose ships, and prescribes a class of persons.
15. **Provision 8.1.1** prescribes the requirement for a ship, regarded as a special purpose ship, to have certificates of survey and equipment appropriate for a cargo ship, together with a Special Purpose Ship Safety Certificate.
16. **Provision 8.1.2** specifies that the master or owner must not take or permit the ship to be taken to sea unless there is in force a Special Purpose Ship Safety Certificate. This is a penal provision.
17. **Provision 9** provides for ships built before 1 May 1987, or ships less than 500 gross tonnage, to be allowed a degree of flexibility in respect of compliance required under the Code.
18. **Provision 10** prohibits the master of a special purpose ship from taking the ship to sea unless satisfied that every person carried on board as special personnel has appropriate knowledge of the layout of the ship and has received appropriate training in safety procedures. This is a penal provision.

19. **The Appendix** provides the Special Purpose Ship Safety Certificate form.

Documents incorporated by reference

20. The following publications may be purchased from either:
- the International Maritime Organization (IMO)
4 Albert Embarkment, London SE1 7SR – telephone 020 7735 7611 –
facsimile 020 7587 3210. – IMO web site: <http://www.imo.org> ; or
 - Boat Books
31 Albany Street, Crows Nest, NSW 2065 - telephone (02) 9439 1133;
214 St Kilda Road, St Kilda, Vic 3182 - telephone (03) 9525 3444;
109 Albert Street, Brisbane ,QLD,4000 – telephone (07) 3229 6427;
E-mail boatbks@boatbks.com.au
 - The IMO *Code of Safety for Special Purpose Ships* (the Code),
IMO Resolution A.534(13), as amended by MSC/Circ. 739 and
Resolution MSC.183(79);

IMO Resolutions can be obtained from AMSA, telephone (02) 6279 5084.

Australia Maritime Safety Authority
April 2007