EXPLANATORY NOTES
Marine Orders Part 34
(Solid bulk cargoes)
Issue 6 - Amendment
Order No 5 of 2007

Purpose

1. Marine Orders Part 34 gives effect to:
   (a) Regulations 2 (Cargo information), 6 (Acceptability of shipment) and 7 (Loading, unloading and stowage of bulk cargo) of Chapter VI of SOLAS; to the Code of Safe Practice for Solid Bulk Cargoes (BC Code) referred to in Chapter VI of SOLAS;
   (b) Chapter VII Part A-1 of SOLAS (Carriage of dangerous goods in solid form in bulk); and
   (c) generally makes provision for the loading, stowing, carriage and unloading of solid bulk cargoes.


3. The amendment comes into operation on 12 November 2007.

Power

4. Subsection 425(1) of 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.

5. Subsection 425 (1AA) of the Navigation Act allows the Australian Maritime Safety Authority (AMSA) to make orders with respect to any matter (other than the imposition of penalties) in the Navigation Act for or in relation to which provision may be made by regulations.

6. Marine Orders Part 34, Issue 6 – Amendment, Order No 5 of 2007, was made pursuant to subsection 425(1AA).

Consultation

7. Since the proposed changes are minor and corrective in nature, it was considered that external consultation would be unnecessary.

Overview

8. Due to an oversight, provision 7.1 of Issue 6 was drafted to include notification requirements for all Appendix 1 cargoes of revised BC Code, instead of Group A or B cargoes.

Amendment of principal provisions

9. **Provision 3.1** of this issue amends Provision 1.2.4 of the principal order by clarifying matters for which orders may be made.
10. **Provision 3.2** of this issue amends a definition in Provision 2 of the principal order to correct a reference to a relevant regulation.

11. **Provision 3.3** of this issue inserts a definition in Provision 2 of the principal order for clarity purposes.

12. **Provision 3.4** of this issue amends Provision 3 of the principal order by clarifying the interpretation.

13. **Provision 3.5** of this issue amends Provision 7.1 of the principal order to correct a drafting error and clarify that the scope of the notification requirement by an operator, master or agent of ship relates to Group A or B cargoes of Appendix 1 of the revised BC Code.

14. **Provisions 3.6 to 3.9** of this issue amends Provisions 7 and 11 of the principal order to clarify or simply wording of the text.

15. **Provision 4** of this issue adds new footnotes 2a and 6a, consequential from the amendments described above, and expands the text of footnote 10 to provide additional guidance to users.

Australian Maritime Safety Authority
October 2007