Pursuant to subsection 425(1AA) of the Navigation Act 1912, I hereby make this Order amending Marine Orders, Part 34, Issue 6, in the manner set out herein, to come into operation on 12 November 2007.

Graham Peachey
Chief Executive Officer
24 October 2007
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1 Purpose & power

1.1 Purpose

This Marine Order makes amendments to Issue 6 of Marine Orders, Part 34 (Solid bulk cargoes), which gives effect to Regulations 2 (Cargo information), 6 (Accessibility of shipment) and 7 (Loading, unloading and stowage of bulk cargo) of Chapter VI of SOLAS, the BC Code referred to in Chapter VI, and Part A-1 of Chapter VII of SOLAS. It also generally makes provision for the loading, stowing, carriage and unloading of solid bulk cargoes.

1.2 Power

1.2.1 Section 191 of the Navigation Act provides that the regulations may make provision for or in relation to giving effect to SOLAS.

1.2.2 Section 257 of the Navigation Act provides that the regulations may make provision for or in relation to giving effect to the loading, stowing or carriage in ships of cargo, or for the unloading of cargo from ships.

1.2.3 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.

1.2.4 Subsection 425(1AA) of the Navigation Act provides that AMSA may make orders with respect to matters (other than the imposition of penalties) that can be made by the regulations.

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;

Navigation Act means the Navigation Act 1912;

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

3 Amendment of principal provisions

3.1 In Provision 1.2.4, insert after “matters” the words “(other than the imposition of penalties)”.

AMSA means the Australian Maritime Safety Authority established by the Australian Maritime Safety Authority Act 1990;

Navigation Act means the Navigation Act 1912;

SOLAS means the Safety Convention as defined in the Navigation Act.
3.2 In Provision 2, definition of penal provision, omit “Navigation (Orders) Regulations”; substitute “Navigation (Orders) Regulations 1980”.

3.3 In Provision 2, after the definition of solid bulk cargo add the following definition:

“survey authority means a corporation or association for the survey of shipping, approved by AMSA, in writing, for the purposes of the Navigation Act,\textsuperscript{2a}.”

3.4 After Provision 3.4, add the following provision:

“3.4A A reference in Chapter VI of SOLAS to an organization recognized by the Administration is to be taken to mean, in relation to a ship registered in Australia, a survey authority.”

3.5 In Provision 7.1, insert between “a” and “solid bulk cargo” the words “Group A or Group B”.

3.6 In Provision 7.1(g), omit “shipper”; substitute “shipper(s)”.

3.7 Omit the text of Provision 8.1.1(i); substitute the following text:

“likelihood of formation of a wet base;\textsuperscript{6a}”

3.8 In Provision 11.2, omit “stowed, trimmed or carried except in accordance with the guidance”; substitute “loaded, stowed, carried or unloaded except in accordance with Chapter VI of SOLAS, the guidance”.

3.9 Omit Provision 11.3; substitute the following provision:

“11.3 The operator of a ship, intending to load or unload solid bulk cargo, must provide a booklet to the ship that meets the requirements of Regulation 7.2 of Chapter VI of SOLAS.

This is a penal provision.”

4 Amendment of footnotes

Note: a footnote, or a note included in the text and printed as italics, is not part of the Part, but may provide additional information or guidance in applying the Part.

4.1 After footnote 2, add the following footnote:

“2a 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.”
4.2 After footnote 6, add the following footnote:

“6a See subsection 7.2.5 of the BC Code.”

4.3 Omit the text of footnote 10; substitute the following text:

“A plan should conform as far as possible with the BLU Code. Reference should also be made to the Manual on Loading and Unloading of Solid Bulk Cargoes for Terminal Representatives (BLU Manual), published by IMO as MSC/Cir.1160, as amended by MSC.1/Circ.1230. The BLU Manual supplements the BLU Code and is intended to provide more detailed guidance to terminal representatives and others involved in the handling of solid bulk cargoes, including those responsible for training of personnel.”

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