

EXPLANATORY NOTES
Marine Orders, Part 18
Measures to enhance maritime safety
Issue 3
Order No 4 of 2007

Authority

1. Subsection 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. Subsection 425(1AA) of the Navigation 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 18, Issue 3 was made pursuant to subsection 425(1AA).

Purpose

4. Marine Orders Part 18, Issue 3, for the purposes of section 191 of the Navigation Act, gives effect to Chapter XI-1 of the International Convention for the Safety of Life at Sea, 1974 (SOLAS), and also applies Regulations 2 (enhanced surveys), 3 (ship identification numbers), and 5 (Continuous Synopsis Records) of Chapter XI-1 to ships on voyages other than international voyages.
5. Marine Orders Part 18, Issue 3, repeals Issue 2.

Consultation

6. A copy of the draft text of this Issue was circulated to Shipping Australia Limited, Australian Shipowners Association and approved survey authorities for comment. All appropriate comments were considered. The draft was also placed on the AMSA internet website for public comment.

Overview

7. The Maritime Safety Committee (MSC) of IMO at its 80th session adopted amendments to the 'guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (ESP Guidelines; resolution A.744(18), as amended) by resolution MSC.197(80). The amendments entered into force on 1 January 2007. As a consequence of the amendments to resolution A.744(18), a footnote reference in Marine Orders Part 18 has been amended.

8. In summary, the amendments to resolution A.744(18) included:
 - a. A new part A to Annex B to resolution A.744(18) 'ESP Guidelines for double hull oil tankers' has been added, creating three separate guidelines for bulk carriers, oil tankers, and oil tankers other than double hull oil tankers.
 - b. In each of the guidelines:
 - (i) A 'simplified survey programme' has been added as an annex in order to address problems with regard to the preparation for ESP surveys;
 - (ii) A 'simplified survey planning questionnaire' has been inserted as an annex;
 - (iii) Requirements on the use of rafts or boats have been clarified
 - (iv) Requirements for safe conduct of surveys have been clarified;
 - (v) A requirement that two surveyors should jointly carry out the first scheduled renewal surveys of bulk carriers or oil tankers of 20,000 tons deadweight and above, has been added. This requirement would apply to a bulk carrier or a tanker of 10 years of age or more;
 - c. A new annex 13, strength of cargo hatch cover securing arrangements for bulk carriers, has been inserted in annex A of the resolution.
9. An amendment has also been required to give effect to Regulation 3-1 of Chapter XI-1 of SOLAS concerning the provision of Company and registered owner identification number. This requirement will apply from 1 January 2009.
10. The opportunity has also been taken to amend/update some provisions and definitions of Part 18 in line with current drafting standards.

Contents of the Order

11. **Provision 1** indicates the purpose for which this Order has been made.
12. **Provision 2** provides definitions of words and phrases and **Provision 3** provides interpretations, both of which are necessary for proper understanding of the Order.
13. **Provision 4** specifies the circumstances when this Part applies.

14. **Provision 5.1** provides for the exemption of a ship from compliance with a Provision of this part.
15. **Provision 5.2** provides for the application of provisions of this Part to be modified in respect of a ship, and for the acceptance of an equivalent fitting, material, appliance or apparatus or type that is at least as effective as that required under the Part.
16. **Provision 5.3** does not permit an exemption or equivalent that would contravene SOLAS.
17. **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.
18. **Provision 7** requires bulk carriers and oil tankers to comply with Regulation 2 of Chapter XI-1 of SOLAS with respect to enhanced surveys.
19. **Provision 8** requires particular passenger and cargo ships to comply with Regulation 3 of Chapter XI-1 of SOLAS with respect to a ship's identification number.
20. **Provision 9** requires every ship engaged on international voyages to comply with Regulation 3-1 of Chapter XI-1 of SOLAS with respect to a company and registered owner identification number.
21. **Provision 10.1** and **Provision 10.2** provides for the inspection and detention of a ship in relation to operational requirements. **Provision 10.2.3** requires the master of a ship to comply with a detention order made under **10.2.1**. This is a penal provision.
22. **Provision 11** provides requirements in relation to a Continuous Synopsis Record (CSR) for Australian registered ships. **Provisions 11.1, 11.3.1, 11.3.3 and 11.4** are penal provisions that relate to the location of a ship's CSR, information to be recorded on a CSR, the maintenance of current information in relation to CSRs and certain notifications to be given to the Registrar of Shipping in relation to CSRs.

Documents incorporated by reference

23. The following publications:

- *The International Convention for the Safety of Life at Sea (SOLAS) 1974, (Consolidated Edition 2004);*

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

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