



**Australian Government**  
**Australian Maritime Safety Authority**

AMSA MO 2011/5

**Marine Orders Part 41 Amendment 2011 (No. 1) (Carriage of dangerous goods)**

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I, Graham Peachey, Chief Executive Officer of the Australian Maritime Safety Authority, make this Order under subsection 425 (1AA) of the *Navigation Act 1912*.

Graham Peachey  
Chief Executive Officer

20 June 2011

**1 Name of Order**

This Order is *Marine Orders Part 41 Amendment 2011 (No. 1)*.

**2 Commencement**

This Order commences as follows:

- (a) sections 1 to 3 and Schedule 1 — 15 July 2011; and
- (b) Schedule 2 — 1 January 2012.

**3 Amendment of Marine Order Part 41**

Schedules 1 and 2 amend *Marine Order Part 41, issue 10*.

**Schedule 1 Amendments commencing on 15 July 2011**

**[1] Provision 1.1, note 1**

*substitute*

*Note 1* The text of Chapter VII as at 15 July 2011 is in the SOLAS Consolidated Edition 2009.

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**[2] Provision 2, definition of *Deputy CEO***

*omit*

**[3] Provision 2, after definition of *gas carrier***

*insert*

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

**[4] Provision 2, definition of *penal provision***

*substitute*

***penal provision*** means a penal provision for regulation 4 of the *Navigation (Orders) Regulations 1980*.

*Note* *Navigation (Orders) Regulations 1980*, reg 4 (1) states:

- (1) A person commits an offence if the person does not comply with a provision of an order that is made under subsection 425 (1AA) of the Act and that is expressed to be a penal provision.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

*Note* For ***strict liability***, see section 6.1 of the *Criminal Code*.

**[5] Provision 3.5**

*omit*

**[6] After provision 8.2, including the notes**

*insert*

- 8.3 An employer must keep a record of training that an employee receives under this provision for at least 5 years after the record was made.

**[7] Provision 9.1.1**

*omit*

thereof

*insert*

of the goods

**[8] Provision 11.3**

*omit*

wilfully

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**[9] After provision 13**

*insert*

**14 Complying with IMDG Code 2010 Edition**

14.1 A person complying with the new IMDG Code is taken to comply with the IMDG Code.

14.2 In this provision:

*New **IMDG Code*** means the version of the International Maritime Dangerous Goods Code that is published by the IMO and known as the ‘IMDG Code 2010 Edition incorporating Amendment 35-10’ (including all corrigenda and errata to the IMDG Code 2010 edition).

*Note* The amendment is set out in IMO Resolution MSC.294 (87).

**[10] Appendix, heading**

*omit*

**Appendix**

*substitute*

**Appendix 1**

**[11] Appendix, clause 7.2, heading**

*substitute*

**7.2 Class 1 — explosives**

**[12] Appendix, clause 7.3, heading**

*substitute*

**7.3 Class 7 — radioactive material**

**[13] Appendix, clause 7.3**

*omit*

substances

*insert*

radioactive material

**[14] Appendix, clause 8.1, note**

*substitute*

*Note* Regulation 19.4 refers to Chapter II-2 of SOLAS Consolidated Edition 2009. Regulation 54.3 refers to Chapter II-2 of SOLAS Consolidated Edition 2001.

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**[15] References to *Deputy CEO***

The following provisions are amended by omitting ‘Deputy CEO’ and inserting ‘General Manager’:

- provision 6.1.1 (2 mentions)
- paragraph 6.1.2 (b)
- provision 6.1.3
- provision 6.1.4
- provision 6.2.1

**Schedule 2 Amendments commencing on 1 January 2012**

**[1] Provision 2, definition of *IMDG Code***

*substitute*

***IMDG Code*** means the version of the International Maritime Dangerous Goods Code that is published by the IMO and known as the ‘IMDG Code 2010 Edition incorporating Amendment 35-10’ (including all corrigenda and errata to the IMDG Code 2010 edition)

*Note* The amendment is set out in IMO Resolution MSC.294 (87).

**[2] Provision 14**

*omit*

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**Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.