

EXPLANATORY NOTES
Marine Orders, Part 44
(Safe containers)
Issue 5
Order No 4 of 2002

Authority

1. Section 425(1) of the *Navigation Act 1912* (Navigation Act) empowers the Governor-General to make regulations necessary or convenient for carrying out or giving effect to the Act.
2. Section 425 (1AA) of the Navigation Act allows the Australian Maritime Safety Authority (AMSA) to make orders with respect to matters in Part IV of the Act in relation to which provision may be made by regulations.
3. Marine Orders, Part 44, Issue 5, was made pursuant to Section 425(1AA).

Gazette

4. Arrangements have been made for this Issue to be gazetted in the Commonwealth of Australia Gazette, Government Notices, Wednesday 26 June 2002.

Purpose

5. Marine Orders, Part 44:
 - makes provision for and gives effect to the International Convention for Safe Containers 1972 (the Container Convention) for the purposes of section 240 of the Navigation Act;
 - provides for the health and safety of persons in relation to the loading and unloading of containers on and from ships.
6. Marine Orders, Part 44, Issue 5:
 - repeals Issue 4 (with the exception of an exemption or equivalent granted or continued under Issue 4 immediately prior to this issue);
 - makes provision for authorised classification societies to give any approval and to also undertake any testing or examination specified under this Part;
 - updates definitions and AMSA organisational titles;
 - re-formats text to reflect current drafting standards and administrative procedures;
 - excludes the provision for Offshore Containers.

Consultation

7. The draft text was circulated to the relevant industry and was placed on the AMSA external website for public comments. The Marine Order takes account of all valid comments made.

Overview

8. Marine Orders Part 44 gives effect to the objectives of the Container Convention:
 - the maintenance of a high level of safety for human life in the transport and handling of containers by providing generally acceptable test procedures and related strength requirements;
 - the facilitation of the international transport of goods in containers by providing uniform international safety regulations.
9. Marine Orders Part 44, Issue 5 reflects both AMSA's delegation to authorised organisations to approve containers, and changes to AMSA organisational titles.
10. Issue 5 excludes from this Part the provision pertaining to Offshore Containers. The Australian Offshore Support Vessel Code of Safe Working Practice now provides requirements for approval of these containers.

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 application of various provisions of this Part in respect of containers used in international and inter-state sea transport.
14. **Provision 5** provides for the exemption of a container, or type of container, from compliance with a provision of this Part and also for the acceptance of an equivalent fitting, material, or procedure that is, at least, effective as that required under the Part. Any modification made under this provision must not contravene the Container Convention.
15. **Provision 6** provides for an internal review by the General Manager of a decision made by the Chief Marine Surveyor under this Part. This provision also provides for a review by the Administrative Appeals Tribunal of a decision made by the General Manager under this Part and for a statement of reasons to be provided by the General Manager upon request of an applicant.

16. **Provision 7** is a transitional provision to enable an exemption or approval, granted or recognised under Issues 1,2, 3 or 4 of this Part to remain in force as if granted under this Issue of this Part.
17. **Provision 8** provides the procedure for applying for approval of a container, or modified container, and the conditions for approval, withdrawal or cancellation of an approval.
18. **Provision 9** specifies the owner's responsibilities in maintaining and marking a container for purposes of examination programmes. It also specifies an examiner's responsibility in producing a written report in respect of the status of a container following an examination. The examination and marking components of this provision are penal with the exception of 9.2.2, 9.3.3, and 9.3.6.
19. **Provision 10** provides the conditions for the loading and unloading of containers, the validity of, and proper use of safety approval plates and marking of containers in respect of the maximum operating gross mass or examination programmes.
20. **Appendix 1** provides definitions and required specifications of a Safety Approval Plate.
21. **Appendix 2** specifies conditions and procedures in respect of the examination of containers.