

Explanatory Statement

Marine Order 15 Amendment 2011 (No. 1) (Order 2011/12)

Construction —Fire protection, fire detection and fire extinction

Authority

1. Subsection 191(1) of the *Navigation Act 1912 (Navigation Act)* provides for regulations to make provision for or in relation to giving effect to the International Convention for the Safety of Life at Sea, 1974 (*SOLAS*).
2. Paragraph 215(1)(b) of the Navigation Act provides that the regulations may make provision about the prevention, detection and extinction of fire on ships.
3. Subsection 425(1) of the Navigation Act authorises the Governor-General to make regulations necessary or convenient for carrying out or giving effect to the Navigation Act.
4. Subsection 425(1AA) of the Navigation Act allows the Australian Maritime Safety Authority (AMSA) to make orders about any matter in the Act for or in relation to which provision may be made by regulations.
5. This Order was made under subsection 425(1AA) and is a legislative instrument for the *Legislative Instruments Act 2003*.

Purpose

6. Marine Order 15 (*MO 15*) gives effect to Chapter II-2 of SOLAS and prescribes standards to be met concerning fire protection, fire detection and fire extinction for both SOLAS and non-SOLAS ships. This Order amends MO 15 to reflect recent amendments to SOLAS and the International Code on Fire Safety Systems. This Order also makes substantial drafting changes to MO 15, including changes consequential on recent amendments of Marine Order 1.

Consultation

7. A copy of the draft Order was placed on AMSA's website. In addition, a copy of the draft Order was emailed to industry stakeholders for comment.
8. The Office of Best Practice Regulation (OBPR) was consulted on the proposed Order. OBPR considered that the amendments are minor and no further analysis in the form of a Regulation Impact Statement was required. The OBPR reference number is 13134.

Documents incorporated by reference

9. MO 15 incorporates the following documents by reference:

- SOLAS
- International Code on Fire Safety Systems.

10. Copies of those documents may be purchased from:

International Maritime Organization (IMO)
4 Albert Embankment, London SE1 7SR
Telephone +44(0)20 7735 7611
Facsimile +44(0)20 7587 3210
IMO website: <http://www.imo.org>

11. A list of distributors who maintain permanent stock of all IMO publications is on the IMO website. Information on obtaining copies of IMO documents referred to in this Order is on AMSA's website: www.amsa.gov.au or can be accessed by email: international.relations@amsa.gov.au

Commencement

12. This Order commences on 1 January 2012.

Contents of the amending instrument

13. Provisions 1, 2 and 3 of the Order set out the name of the amending Order, its commencement date and make the amendments set out in Schedule 1 to the amending Order.
14. Item 1 of Schedule 1 inserts a formal naming provision into MO 15.
15. Item 5 updates the definition of *Fire Safety Systems Code* to reflect recent amendments.
16. Item 10 substitutes new provisions about exemptions and equivalents to reflect recent amendments of MO 1.
17. Other items make various amendments of a drafting nature, including:
- omitting redundant definitions
 - updating references to the Manager, Ship Inspections and Registration
 - changing the Appendices to Schedules
 - updating and, in some cases numbering, notes.

Making the instrument

18. This instrument has been made by the Acting Chief Executive Officer of the Australian Maritime Safety Authority, in accordance with subsection 49(4) of the *Australian Maritime Authority Act 1990*.