



AMSA MO 2011/12

Marine Orders Part 15 Amendment 2011 (No. 1) (Construction — Fire protection, fire detection and fire extinction)

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

Mick Kinley
Acting Chief Executive Officer

7 December 2011

1 Name of Order

This Order is *Marine Orders Part 15 Amendment 2011 (No. 1)*.

2 Commencement

This Order commences on 1 January 2012.

3 Amendment of *Marine Orders Part 15, issue 5*

Schedule 1 amends *Marine Orders Part 15, issue 5*.

Schedule 1 Amendment

[1] Before provision 1

insert

1A Name of Order

This Order is *Marine Order 15, issue 5*.

[2] Provision 1.1

omit

This Part of Marine Orders

insert

This Order

[3] Provision 1, at the foot

insert

Note For the text of Chapter II-2 of SOLAS, see the SOLAS Consolidated Edition 2009, published by the IMO, as amended by IMO Resolutions MSC.201(81), MSC.216 (82) (Annex 3), MSC.256 (84), MSC.269 (85) and MSC.291 (87). IMO Resolution MSC.308 (88) amends Chapter II-2 of SOLAS on 1 July 2012.

[4] Provision 2, heading

substitute

2 Definitions

In this Order

[5] Provision 2, definition of *Fire Safety Systems Code*

substitute

Fire Safety Systems Code (or ***FSS Code***) means the International Code on Fire Safety Systems as adopted by IMO Resolution MSC.98 (73), as amended by IMO Resolutions MSC.206 (81), MSC.217 (82), MSC.292 (87) and MSC.311 (88).

Note IMO Resolution MSC.311 (88) amends the FSS Code on 1 July 2012.

[6] Provision 2, note at the foot

omit

Note

insert

Note 1

[7] Provision 2, at the foot, after the note

insert

Note 2 Some expressions used in this Order are defined in *Marine Order 1 (Administration)*, including:

- AMSA
- IMO
- Manager, Ship Inspection and Registration
- Navigation Act
- SOLAS

-
- USL Code.

[8] Provision 3.3

omit

[9] Provision 4, at the foot

insert

Note For *Safety Convention ship*, see s187A of the Navigation Act.

[10] Provisions 5 and 6

substitute

5 Exemptions

Application

- 5.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration)* for an exemption of a ship from a requirement of this Order.

Decision maker

- 5.2 The decision maker for the application is the Manager, Ship Inspection and Registration.

Decision-making criteria

- 5.3 The Manager, Ship Inspection and Registration may give an exemption only if he or she is satisfied that:
- (a) compliance with the requirement would be unnecessary or unreasonable having regard to the ship, its equipment and its intended voyage; and
 - (b) giving the exemption would not contravene SOLAS.

Note *Marine Order 1 (Administration)* deals with the following matters about exemptions:

- making an application
- seeking further information about an application
- the time allowed for consideration of an application
- imposing conditions on approval of an application
- notification of a decision on an application
- review of decisions.

6 Equivalentents

Application

- 6.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration)* for approval to use an equivalent.

Note For definitions of *equivalent* and *use*, see provision 6.4.

Decision maker

- 6.2 The decision maker for the application is the Manager, Ship Inspection and Registration.

Decision-making criteria

- 6.3 The Manager, Ship Inspection and Registration may approve use of an equivalent only if he or she is satisfied that:
- (a) use of the equivalent would be at least as effective as compliance with the requirement to which the equivalent is an alternative; and
 - (b) approving use of the equivalent would not contravene SOLAS.

Meaning of **equivalent** and **use**

- 6.4 For this provision

equivalent means:

- (a) a fitting, material, appliance or apparatus that could be fitted or carried in a ship as an alternative to a fitting, material, appliance or apparatus that a provision of this Order requires to be fitted or carried in the ship; or
- (b) an arrangement that could be made, or a procedure that could be followed, in or for a ship as an alternative to a requirement of this Order.

use, of an equivalent, includes:

- (a) fitting or carrying the equivalent in or on a ship; and
- (b) making an alternative arrangement or following an alternative procedure.

Note *Marine Order 1 (Administration)* deals with the following matters about equivalents:

- making an application
- seeking further information about an application
- the time allowed for consideration of an application
- imposing conditions on approval of an application
- notification of a decision on an application
- review of decisions.

[11] Provisions 7.1.1 and 7.1.2

substitute

- 7.1.1 A SOLAS ship must:

- (a) meet the standards for fire protection, fire detection and fire extinction mentioned in Chapter II-2 of SOLAS; and
- (b) if registered in Australia — comply with Schedules 1 to 3.

Note Some provisions of Chapter II-2 of SOLAS apply to:

- (a) particular kinds of ships; or
- (b) ships constructed before, or on or after, a particular time.

[12] Provision 7.1.3

re-number as provision 7.1.2

[13] Appendix 2, clause 4.6, unnumbered note

omit

Note

insert

Note 1

[14] Further amendments — omission of redundant definitions

The following definitions in provision 2 are omitted:

- *AMSA*
- *Deputy CEO*
- *IMO*
- *Manager, Ship Inspections*
- *Navigation Act*
- *SOLAS*
- *survey authority*
- *USL Code*

[15] Further amendments — references to Manager, Ship Inspections

The following provisions are amended by omitting ‘Manager, Ship Inspections’ and inserting ‘Manager, Ship Inspection and Registration’:

- provision 3.2
- provision 7.3
- Appendix 1, clause 1
- Appendix 1, clause 2.4
- Appendix 1, paragraph 3(b)
- Appendix 2, clause 1.3
- Appendix 2, clause 1.11
- Appendix 2, clause 2.2
- Appendix 2, paragraph 2.6(f)
- Appendix 2, paragraph 3.11(f)
- Appendix 2, paragraph 4.2(b)
- Appendix 3, table 1 (3 mentions)
- Appendix 3, clause 1.3.1

[16] Further amendments — definitions

Each definition in provision 2 (other than the definition of *Fire Safety Systems Code*) is amended by:

- (a) omitting the concluding semi-colon and substituting a full stop; and
- (b) formatting each defined term in bold italic.

[17] Further amendments — references to ‘Part’

The following provisions are amended by omitting ‘Part’ and inserting ‘Order’:

- provision 2, note
- provision 3.1
- provision 4.1
- provision 4.2
- Appendix 2, clause 4.4 (3 mentions)

[18] Further amendments — references to Appendices

<i>Provision</i>	<i>omit</i>	<i>Insert</i>
Provision 7.3	Appendixes	Schedules
Appendix 1, heading	Appendix 1	Schedule 1 (provision 7)
Appendix 1, paragraph 2 (c)	Appendix.	Schedule.
Appendix 2, heading	Appendix 2	Schedule 2 (provision 7)
Appendix 2, clause 1.2	Appendix	Schedule
Appendix 2, clause 3.3	Appendix	Schedule
Appendix 3, heading	Appendix 3	Schedule 3 (provision 7)
Appendix 3, table 1	Appendix 2	Schedule 2

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>.