

## **Explanatory Statement**

### **Marine Order 21, Issue 8 (Order 2012/7)**

#### **Safety of navigation and emergency procedures**

##### **Authority**

1. Section 191 of the *Navigation Act 1912* (*Navigation Act*) provides for regulations that may give effect to the International Convention for the Safety of Life at Sea (*SOLAS*).
2. 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.
3. Subsection 425(1AA) of the Navigation Act allows the Australian Maritime Safety Authority (*AMSA*) to make orders for any matter in the Act for or in relation to which provision may be made by regulations.
4. This Order was made under subsection 425(1AA) and is a legislative instrument for the *Legislative Instruments Act 2003*.

##### **Purpose**

5. This Order provides for matters relating to the safety of navigation and emergency procedures for ships.

##### **Overview**

6. This Order:
  - (a) repeals Marine Orders Part 21, Issue 7; and
  - (b) gives effect to regulations of Chapters III, V and VI of SOLAS; and
  - (c) gives effect to International Maritime Organization Resolution MSC308(88) *Adoption of Amendments to the International Convention for the Safety of Life at Sea 1974 As Amended* (SOLAS); and
  - (d) prescribes matters for the following provisions of the Navigation Act:
    - (i) section 229;
    - (ii) section 232;
    - (iii) section 235;
    - (iv) subsection 269A(1);
    - (v) paragraph 425(1)(db);
    - (vi) paragraph 435(1)(e).

##### **Consultation**

7. A copy of the draft Order was placed on the AMSA website for public comment.
8. AMSA also emailed 60 stakeholder organisations a copy of the draft and invited them to comment. A list of these organisations can be requested from AMSA.
9. AMSA received comments from 3 industry stakeholders and the Royal Australian Navy.
10. AMSA received a reply of no comment from an industry organisation.
11. Those comments were taken into account in preparing this instrument.

##### **Commencement**

12. This Order commenced on the day after it was registered.

## **Contents of this instrument**

### **Division 1 Preliminary**

13. Sections 1 to 5 mention matters set out in sections 1 to 5 of this Explanatory Statement.
14. Section 6 sets out definitions used in the Order.
15. Section 7 provides for the Administration in Chapter V of SOLAS, for Australia.
16. Section 8 sets out the ships to which the Order applies.
17. Section 9 deals with transitional matters.
18. Section 10 provides for exemptions and equivalents to be applied for and issued under the Order.
19. Section 11 provides for the review of decisions made by AMSA under the Order, other than a decision made under section 10. (A decision made under section 10 may be reviewed in accordance with *Marine Order 1 (Administration)*).

### **Division 2 Safety of navigation**

20. Section 12 provides for a passenger ship to have a plan for co-operation with search and rescue services in an emergency.
21. Section 13 requires the master of a ship to use a ships' routing system.
22. Section 14 provides for ship reporting systems.
23. Section 15 provides for a minimum safe manning document for a ship to be applied for and issued and requires the document to be kept on board the ship.
24. Section 16 requires the owner to make decisions about bridge design, design arrangements of navigational equipment and bridge procedures in accordance with SOLAS.
25. Section 17 has requirements for the owner and master of a ship for the maintenance of navigational equipment.
26. Section 18 requires the owner of a ship to ensure that information and instructions about the use and maintenance of navigational equipment is on the ship.
27. Section 19 requires the master of a ship to ensure that a ship over 100 gross tonnage has on board a compass deviation book with certain information recorded. It also has requirements for the adjustment of magnetic compasses.
28. Section 20 has requirements for the electromagnetic compatibility of equipment on or near the bridge of a ship.
29. Section 21 provides for navigational systems and equipment to be installed on a ship and tested.
30. Section 22 provides for the long range identification and tracking of ships.
31. Section 23 requires the International Code of Signals and Volume III of the International Aeronautical and Maritime Search and Rescue Manual to be kept on board a ship.
32. Section 24 has requirements for navigation bridge visibility.
33. Section 25 provides for pilot transfer arrangements.
34. Section 26 has requirements for when the use of heading or track control systems are in place and establishing manual control of the ship's steering.
35. Section 27 provides for the operation of more than one steering gear power unit.

36. Section 28 provides for steering gear testing and drills.
37. Section 29 provides for up to date nautical charts and nautical publications to be on board a ship.
38. Section 30 provides for the recording of navigational activities.
39. Section 31 provides for life-saving signals to be used by ships, aircraft or persons in distress.
40. Section 32 provides for the documentation of operational limitations of the ship.

### **Division 3 Compass adjuster license**

41. Section 33 provides for the licensing of compass adjusters.
42. Section 34 provides for the cancellation of a compass adjuster licence.

### **Division 4 Danger, urgency and distress messages**

43. Section 35 provides for safety signals and danger messages.
44. Section 36 provides for the transmission of safety signals and danger messages.
45. Section 37 provides for the duties of a person receiving a safety signal message.
46. Section 38 provides for the priority of safety traffic.
47. Section 39 provides for official log book entries.
48. Section 40 prescribes the urgency signal.
49. Section 41 provides for urgency messages.
50. Section 42 requires a person transmitting an urgency signal or message to be authorised.
51. Section 43 prescribes the signal of distress.
52. Section 44 establishes when a signal of distress can be transmitted.
53. Section 45 provides a defence to prosecution for a person operating a radio station of a ship when the ship is in distress.
54. Section 46 provides for obligations and procedures in distress situations.
55. Section 47 provides for duties on the activation of a distress watch receiver.
56. Section 48 provides for duties of a person hearing an urgency or distress signal.

### **Division 5 General requirements**

57. Section 49 provides for safe navigation and the avoidance of dangerous situations.
58. Section 50 imposes obligations for the prevention of the misuse of distress and safety signals.
59. Section 51 provides for material safety data sheets to be on board a ship that is carrying oil as cargo in bulk, or fuel oil.

### **Division 6 Emergency procedures**

60. Section 52 provides for the general emergency alarm signal on a ship to be used in an emergency station muster and an emergency.
61. Section 53 provides for the signal to prepare to abandon ship.
62. Section 54 provides for the abandon ship signal.
63. Section 55 provides for emergency drills.

64. Section 56 provides for a muster list, emergency instructions and emergency stations.
65. Section 57 imposes responsibilities for the owner, master and crew for emergency procedures.

### **Division 7 Emergency procedures**

66. Section 58 provides for the closure of watertight doors.
67. Section 59 provides for portable plates.
68. Section 60 provides for openings to be kept closed at sea.
69. Section 61 provides for the closure of cargo loading doors and other openings.
70. Section 62 provides for sidescuttles in spaces used for cargo or passengers.
71. Section 63 provides for ash-chutes, rubbish chutes and similar fittings.
72. Section 64 provides for the testing and periodic operation of openings.
73. Section 65 provides for instructions on the use of watertight doors and related appliances and their periodic inspection.
74. Section 66 provides for official log-book entries.
75. Section 67 provides for equipment for safety measures that must be kept on board.
76. Section 68 provides for means of access to a ship in port.
77. Section 69 provides for atmosphere sampling and measuring equipment to be carried on board the ship.
78. Schedule 1 mentions the compass deviation book information required by subparagraph 19.1(a)(ii).
79. Schedule 2 includes the table of compass deviations form required by subsection 19.2.
80. Schedule 3 mentions IMO resolutions and circulars that subsection 21.2 requires compliance with for navigational systems and equipment.
81. Schedule 4 contains emergency drill procedures required by subsection 55.8 for emergency drill procedures.
82. Schedule 5 has information that must be recorded under paragraph 56.2(b) for the assignment of persons on a muster list.
83. Schedule 6 mentions information to be recorded under paragraph 56.6(a) for the assignment of persons to emergency stations and survival craft and the assignment of crew duties in an emergency.
84. Schedule 7 includes the indicator system for a closing appliance required by paragraph 67.1(a).
85. Schedule 8 mentions the means of access to ships in port required by subsections 68.1 to 68.3.
86. Schedule 9 mentions the atmosphere sampling equipment, measuring equipment and related procedures required by section 68.

### **Compatibility with human rights**

87. AMSA considers that this instrument is compatible with human rights. It does not affect any rights or freedoms to which the *Human Rights (Parliamentary Scrutiny) Act 2011* applies.

## **Making the instrument**

88. 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*.