

AMSA MO 2013/13

Marine Order 98 (Marine pollution — anti-fouling systems) 2013

I, Mick Kinley, Acting Chief Executive Officer of the Australian Maritime Safety Authority, make this Order under section 24 of the *Protection of the Sea (Harmful Anti-fouling Systems) Act 2006*.

22 July 2013

Mick Kinley
Acting Chief Executive Officer

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Division 1 Preliminary

1 Name of Order

 This Order is *Marine Order 98 (Marine pollution*— *anti-fouling systems) 2013*.

2 Commencement

 This Order commences on the day after it is registered.

3 Repeal of *Marine Orders Part 98, issue 1*

 *Marine Orders Part 98, issue 1* is repealed.

4 Purpose

 This Marine Order:

(a) gives effect to those provisions of the Convention that provide for controls on anti-fouling systems and for the survey, inspection and certification of ships for those systems; and

(b) prescribes survey and certification requirements and forms to be used to report happenings.

5 Definitions

 In this Order:

***AMSA*** means the Australian Maritime Safety Authority established by the *Australian Maritime Safety Authority Act 1990.*

***anti-fouling system*** has the meaning given by the Convention.

*Note 1*Some terms used in this Order are defined in *Marine Order 1* (*Administration) 2011*, including:

* AFS Act
* IMO

*Note 2*Other terms used in this Order are defined in the AFS Act, including:

* anti-fouling certificate
* Australian ship
* Convention
* foreign ship
* master
* owner
* ship

*Note 3*  The AFS Act adopts the Convention definition of ***ship*** which includes fixed or floating platforms, floating storage units (FSUs) and floating production storage and off-loading units (FPSOs).

*Note 4*For information on obtaining copies of IMO documents mentioned in this Order — see AMSA’s website at http://www.amsa.gov.au. These documents may also be purchased from the IMO — see the IMO website at http://www.imo.org/publications.

6 Application

 This Order applies to an Australian ship.

*Note*Parts 1, 2, 4 and 5 of the AFS Act apply to foreign ships. See the AFS Act for further information about the obligations, responsibilities and inspection powers mentioned in the Act that affect foreign ships.

Division 2 Documents

7 Issue and endorsement of anti-fouling certificates

 (1) For subsection 10(1) of the AFS Act, an anti-fouling certificate for an Australian ship must be in accordance with Form MO 98/1 in Schedule 1.

 (2) For subsection 10(2) of the AFS Act, an endorsement of an anti-fouling certificate for an Australian ship must be in accordance with ‘Endorsement of the Records’ in Form MO 98/1 in Schedule 1.

*Note*   Form MO98/1 is also available on AMSA’s website: http://[www.amsa.gov.au](http://www.comlaw.gov.au/Conversion/Lodgment/190F3E966D0FFFADCA2574B100187617/www.amsa.gov.au).

 (3) For paragraph 25(c) of the AFS Act, a survey mentioned in section 10 of the Act must be carried out in accordance with the *2010 Guidelines for survey and certification of anti-fouling systems on ships* adopted by IMO Resolution MEPC.195(61).

8 Cancellation of anti-fouling certificates — service of notices

 For paragraphs 12(3)(b) and 12(5)(c) of the AFS Act, notice must be served by email, fax or post.

9 Notices of happenings for Australian ships

 For paragraph 14(1)(c) of the AFS Act, notice of a happening must be in accordance with Form MO 98/2 in Schedule 1.

*Note 1*Subsection 14(1) of the AFS Act provides that the master and owner each commit an offence if notice is not given within 7 days after the happening.

*Note 2*Form MO98/2 is also available on AMSA’s website: http://[www.amsa.gov.au](http://www.comlaw.gov.au/Conversion/Lodgment/190F3E966D0FFFADCA2574B100187617/www.amsa.gov.au).

10 Anti-fouling declaration

 For the definition of ***anti-fouling declaration*** in subsection 15(5) of the AFS Act, the declaration must be in accordance with Form MO 98/3 in Schedule 1.

*Note* Form MO98/3 is also available on AMSA’s website: http://[www.amsa.gov.au](http://www.amsa.gov.au/).

Schedule 1 Forms

(sections 7, 9 and 10)

1 Form MO 98/1

 AUSTRALIA MO-98/1

 **Certificate Number**

INTERNATIONAL ANTI-FOULING SYSTEM CERTIFICATE

**Issued under the**
**INTERNATIONAL CONVENTION ON THE CONTROL OF HARMFUL ANTI-FOULING SYSTEMS ON SHIPS,
under the authority of the Government of Australia
by**

When a Certificate has been previously issued, this Certificate replaces the certificate dated

*Particulars of ship*

|  |  |
| --- | --- |
| *Name of ship* | *IMO Number*1 |
| **Gross tonnage** | *Distinctive number or letters* | *Port of registry* |

An anti-fouling system controlled under Annex 1 has not been applied during or after

construction of this ship ❑

An anti-fouling system controlled under Annex 1 has been applied on this ship previously,

but has been removedby on ❑

An anti-fouling system controlled under Annex 1 has been applied on this ship previously,

but has been covered with a sealer coat applied by on ❑
An anti-fouling system controlled under Annex 1 was applied on this ship prior

to 2,but must be removed or covered with a sealer coat prior to3❑
**THIS IS TO CERTIFY THAT:**

1. the ship has been surveyed in accordance with regulation 1 of Annex 4 to the Convention; and
2. the survey shows that the anti-fouling system on the ship complies with the applicable requirements of Annex 1 to the Convention.

Issued at

*(Place of issue of certificate) (Date of issue) (Signature of authorised official issuing the certificate)*

Date of completion of the survey on which this certificate is issued:

***(****Seal or stamp of the authority as appropriate)*

1 In accordance with the IMO Ship Identification Number Scheme adopted by the Organization by resolution A.600(15)

2 Date of entry into force of the control measure.

3 Date of expiration of any implementation period specified in article 4(2) or Annex 1.

MO- 4M 9

**Certificate Number**

RECORD OF ANTI-FOULING SYSTEMS

This Record shall be permanently attached to the International Anti-Fouling System Certificate.

*Particulars of ship*

|  |  |  |
| --- | --- | --- |
| *Name of ship* | *Distinctive number or letters* | *IMO Number* |
|  |  |  |

**Details of anti-fouling system(s) applied**

Type(s) of anti-fouling system(s) used

Date(s) of application of anti-fouling system(s)

Name(s) of company(ies) and the facility(ies)/location(s) where applied

Name(s) of anti-fouling system manufacturer(s)

 Name(s) and colour(s) of anti-fouling system(s)

Active ingredient(s) and their Chemical Abstract Services Registry Number(s) (CAS number(s))

Type(s) of sealer coat, if applicable

Name(s) and colour(s) of sealer coat applied, if applicable

Date of application of sealer coat

**THIS IS TO CERTIFY that this Record is correct in all respects.**

Issued at

*(Place of issue of certificate) (Date of issue) (Signature of authorised official issuing the certificate)*

M0-9811 (05/2008

**Endorsement of the Records4**

THIS IS TO CERTIFY that a survey required in accordance with regulation 1(1)(b) of Annex 4 to the

Convention found that the ship was in compliance with the Convention.

**Details of anti-fouling system(s)** **applied**

Type(s) of anti-fouling system(s) used

Date(s) of application of anti-fouling system(s)

Name(s) of company(ies) and the facility(ies)location(s) where applied ................................................

Name(s) of anti-fouling system manufacturer(s) .........................................................................

Name(s) and colour(s) of anti-fouling system(s) .................................................................................................

Active ingredient(s) and their Chemical Abstract Services Registry Number(s) (CAS number(s)) ...................

Type(s) of sealer coat, if applicable ............................................................................................................

Name(s) and colour(s) of sealer coat applied, if applicable ......................................................................

Date of application of sealer coat ............................................................................................

Issued at

***(Place of issue of certificate) (Date of issue)*** 5*(Signature of authorised official issuing the certificate)*

*(Seal or stamp of the authority)*

4

This page of the Record must be reproduced and added to the Record as considered necessary by the Administration.

5 Date of completion of the survey on which this endorsement is made.

**M0.9811 (0512008**

2 Form MO 98/2

|  |  |  |
| --- | --- | --- |
|  | **NOTICE OF ALTERATION OR DAMAGE TO AN AUSTRALIAN SHIP** | M098/2 |
|  | *Marine Order 98 (Marine Pollution — Anti-fouling Systems) 2013* |

To: Manager, Ship Inspection and Registration

 Australian Maritime Safety Authority GPO Box 2181, Canberra ACT 2601 email: reports@amsa.gov.au

 Fax:(02) 6297 5058

**Particulars to be Notified**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Name of ship |  | IMO number |  | Official number (if any) |
|  |  |  |  |  |
| Home port/port of registry |  | Call sign |  |  |
|  |  |  |
| Name of owner(s) or agent |  |  |  |  |
|  |
| Address of principal place of business of owner or agent in Australia |  |  |  |  |
|  |

Date of issue and reference number of International Anti-fouling Certificate

|  |  |
| --- | --- |
| Date of issue | Reference number |
|  |  |

Nature and extent of alteration or damage to the ship (including date(s) on which the damage occurred and the date(s) on which repairs or alterations, as the case may be, were commenced and completed)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Nature and extent of alteration or damage to the ship** | **Location of ship when alteration or damage occurred** | **Date alteration or damage occurred** | **Date repairs/ alterations commenced** | **Date repairs/ alterations** completed |
|  |  |  |  |  |

Name and address of person or corporation effecting alteration or repairs

|  |
| --- |
|  |

Reason(s) for, or cause(s) of, alteration or repairs

|  |
| --- |
|  |

Particulars of changes in the construction of the ship

|  |
| --- |
|  |

Additional information (if any) affecting the compliance of the ship with the provisions of the Convention

|  |
| --- |
|  |

Signature of master or owner Date

|  |  |  |
| --- | --- | --- |
|  |  |  |

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**3 Form MO 98/3**



**DECLARATION ON ANTI-FOULING SYSTEM**

Drawn up under the

International Convention on the Control of Harmful Anti-Fouling Systems on Ships

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Particulars of ship** |  |  |  |  |
| Name of ship |  |  |  | Distinctive number or letters |
|  |  |  |
| Port of registry |  |  |  |  |
|  |
| Length |  | Gross tonnage |  | IMO number (if applicable) |
|  |  |  |  |  |
| *I declare that the anti-fouling system used on this ship complies with Annex 1* of *the Convention.* |
| Signature of owner or owner's authorised agent |  | Date |
|  |  |  |
| **Endorsement of anti-fouling system(s) applied** |
| Type(s) of anti- fouling system(s) used and date(s) of application |
|  |
| Signature of owner or owner's authorised agent |  | Date |
|  |  |  |
| **Type(s) of anti- fouling system(s) used and date(s) of application** |
|  |
| Signature of owner or owner's authorised agent |  | Date |
|  |  |  |
| Type(s) of anti- fouling system(s) used and date(s) of application |
|  |
| Signature of owner or owner's authorised agent |  | Date |
|  |  |  |

AMSA 239 (10/07)

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.