



**Australian Government**  
**Australian Maritime Safety Authority**

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**Marine Order 97 (Marine pollution prevention — air pollution) 2013**

**made under the *Navigation Act 2012* and the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983***

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Prepared by the Office of Legislative Drafting, Australian Maritime Safety Authority

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## Division 1 Preliminary

### 1 Name of Order

This Order is *Marine Order 97 (Marine pollution prevention — air pollution) 2013*.

### 4 Purpose

This Order:

- (a) gives effect to Annex VI of MARPOL (which deals with prevention of air pollution from vessels); and
- (b) provides for matters for Chapter 4 of the Navigation Act (which deals with prevention of pollution from vessels); and
- (c) prescribes matters for Division 2 of Part IIID of the Pollution Prevention Act (which deals with the sulphur content of fuel oil).

### 5 Power

- (1) This Order is made under both the Navigation Act and the Pollution Prevention Act.
- (2) The following provisions of the Navigation Act provide for this Order to be made:
  - (a) subsection 130(1) which provides that the regulations may make provision about pollution certificates;
  - (b) subsection 314(3) which provides that the regulations may prescribe various matters about certificates, including the time when certificates, variations of certificates and revocation of certificates come into force;
  - (c) paragraph 340(1)(c) which provides that the regulations may provide for giving effect to MARPOL.
- (3) Subsection 339(1) of the Navigation Act also provides for regulations to be made prescribing matters required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act.
- (4) The following provisions of the Pollution Prevention Act also provide for this Order to be made:
  - (a) paragraphs 33(1)(a) and (b) which provide for regulations to be made prescribing matters required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to the Act;
  - (b) paragraph 33(1)(c) which provides for regulations under paragraphs 33(1) (a) and (b) to be made to give effect to MARPOL;
  - (c) subsection 34(1) which provides that AMSA may make orders for any matter (other than the imposition of penalties) for which provision may be made by regulation.
- (5) Subsection 342(1) of the Navigation Act provides that AMSA may make a Marine Order about anything that may or must be made by the regulations.

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**6 Definitions**

In this Order:

**Annex VI** means Annex VI of MARPOL.

**EEDI** means Energy Efficiency Design Index.

**EIAPP certificate** (or **engine international air pollution prevention certificate**) means:

- (a) a pollution certificate relating to air pollution or ozone depleting substances issued under section 132 of the Navigation Act for a marine diesel engine installed on a vessel; or
- (b) a certificate issued under section 319 of the Navigation Act certifying that the emissions from a marine diesel engine installed on a vessel are within the limits mentioned in regulation 13 of Annex VI.

*Note* For the form of certificate — see section 16.

**IAPP certificate** (or **international air pollution prevention certificate**) means:

- (a) a pollution certificate relating to air pollution or ozone depleting substances issued under section 132 of the Navigation Act for a vessel; or
- (b) a certificate relating to air pollution or ozone depleting substances issued under section 319 of the Navigation Act for a vessel.

*Note* For the form of certificate — see section 16.

**IEE certificate** (or **international energy efficiency certificate**) means:

- (a) a pollution certificate relating to the energy efficiency of a vessel issued under section 132 of the Navigation Act; or
- (b) a certificate relating to the energy efficiency of a vessel issued under section 319 of the Navigation Act.

*Note* For the form of certificate — see section 16.

**NOx Technical Code** has the same meaning as in Annex VI.

**ship energy efficiency management plan** (or **SEEMP**) means the plan required to be kept on board a vessel by section 26FEW of the Pollution Prevention Act.

*Note 1* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2013* including:

- IMO
- MARPOL
- Navigation Act
- Pollution Prevention Act.

*Note 2* Some terms used in this Order are defined in the Navigation Act or Pollution Prevention Act, including:

- AMSA
- inspector
- recognised organisation (for organisations that have been prescribed for the definition — see *Marine Order 1 (Administration) 2013*)
- regulated Australian vessel.

*Note 3* For delegation of AMSA's powers under this Order — see the AMSA website at <http://www.amsa.gov.au>.

*Note 4* Information on obtaining copies of any IMO Resolution, IMO document or other document that is mentioned in this Order is available from the AMSA website Marine Orders link at <http://www.amsa.gov.au>.

## 7 References to the Administration

For this Order, a reference in the NOx Technical Code or Annex VI to *the Administration* is taken to mean, for a vessel registered in Australia, AMSA or a recognised organisation.

*Note* Information about obtaining copies of the NOx Technical Code, Annex VI and or other documents mentioned in this Order (for instance, IMO resolutions) is available from AMSA.

## 8 Application of this Order

- (1) Subject to subsection 33(2) of the Pollution Prevention Act and section 12 of the Navigation Act, this Order applies to:
  - (a) a vessel mentioned in subsection (2):
    - (i) to which Annex VI applies; or
    - (ii) that is owned or operated by the Commonwealth and used, for the time being, on government non-commercial service; and
  - (b) a foreign vessel to which Annex VI applies that:
    - (i) is in an Australian port; or
    - (ii) is entering or leaving an Australian port; or
    - (iii) is in the internal waters of Australia; or
    - (iv) is in the territorial sea of Australia, other than in the course of innocent passage.

*Note 1* The legislation mentioned in subsection (1) provides, in effect, that this Order does not apply to certain vessels to which MARPOL applies because of a law of a State or the Northern Territory or the Maritime Safety (Domestic Commercial Vessel) National Law.

*Note 2* A provision of this Order made under the Navigation Act affects foreign vessels only to the extent that it is expressed to apply to foreign vessels.

- (2) Paragraph (1)(a) applies to each of the following vessels:
  - (a) a regulated Australian vessel;
  - (b) a domestic commercial vessel;
  - (c) a recreational vessel that has Australian nationality.
- (3) Division 2 applies to a foreign vessel only to the extent necessary to enable the issue of any of the following certificates under section 319 of the Navigation Act:
  - (a) an EIAPP certificate;
  - (b) an IAPP certificate;
  - (c) an IEE certificate.

## 9 Equivalentents and waivers

- (1) A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2013*, for approval to use an equivalent.
- (2) AMSA may approve the use of an equivalent if:
  - (a) it would be at least as effective as compliance with the requirement to which the equivalent is an alternative; and

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- (b) approving the use of the equivalent would not contravene regulation 4 of Annex VI.

*Note* *Marine Order 1 (Administration) 2013* 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
  - notifying a decision on an application
  - review of decisions.
- (3) AMSA may give a waiver in accordance with regulation 19 of Annex VI from a requirement of the Order.

**Division 2 Certificates****Subdivision 1 Various matters about certificates****10 Certificates required**

For subsection 130(3) of the Navigation Act (which enables the regulations to provide that specified kinds of vessels are required to have specified pollution certificates), a vessel must have the following certificates:

- (a) an EIAPP certificate for each marine diesel engine installed on the vessel;
- (b) an IAPP certificate;
- (c) an IEE certificate.

**11 Applying for certificates**

- (1) For subsection 131(1) of the Navigation Act (which enables a person to apply to an issuing body for a pollution certificate specified in the regulations), the following certificates are specified:

- (a) an EIAPP certificate;
- (b) an IAPP certificate;
- (c) an IEE certificate.

- (2) Division 3 of *Marine Order 1 (Administration) 2013* (other than section 18) applies to an application to AMSA for a certificate mentioned in subsection (1).

*Note* Division 3 of *Marine Order 1 (Administration) 2013* prescribes some general rules about the making and determination of various kinds of applications. Section 18 of that Order provides for internal review of decisions about applications. That section does not apply to decisions about pollution certificates because those decisions are reviewable under subsection 313(1) of the Navigation Act.

**12 Status of EIAPP certificates**

- (1) An EIAPP certificate for a marine diesel engine installed on a vessel is taken to be issued for the vessel.
- (2) A vessel is taken to have an EIAPP certificate if each marine diesel engine installed on the vessel has an EIAPP certificate.

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**13 Criteria for issue of IAPP certificate or IEE certificate**

For paragraph 132(1)(b) of the Navigation Act, the criteria for issue of an IAPP certificate or an IEE certificate are that the vessel:

- (a) has been surveyed in accordance with regulation 5 of Annex VI; and
- (b) complies with the requirements that apply to it under regulation 5 of Annex VI.

**14 Criteria for variation of IAPP certificate or IEE certificate**

For subsection 133(1) of the Navigation Act, the criteria for variation of an IAPP certificate or an IEE certificate are that:

- (a) the vessel has been surveyed in accordance with regulation 5 of Annex VI; and
- (b) for an IAPP certificate that is required to be endorsed under regulation 6 of Annex VI — the certificate is endorsed accordingly; and
- (c) to the extent that the variation relates to the period of validity of an IAPP certificate — the variation is in accordance with regulation 9 of Annex VI.

*Note for paragraph (b)* The requirements that apply under regulation 5 of Annex VI include a requirement for maintenance of equipment — see paragraph 5 of regulation 5.

**15 Criteria for issue of EIAPP certificate**

For paragraph 132(1)(b) of the Navigation Act, the criteria for the issue of an EIAPP certificate for a marine diesel engine installed on a vessel are that:

- (a) the engine has been surveyed in accordance with the NO<sub>x</sub> Technical Code; and
- (b) if regulation 13 of Annex VI applies to the engine — the emissions from the engine are likely to be within the limits specified in regulation 13 of Annex VI for the intended operation of the engine.

*Note* See also *Guidelines for on-board NO<sub>x</sub> verification procedure — direct measurement and monitoring method* adopted by IMO resolution MEPC.103(49), as in force from time to time.

**16 Form of certificates**

A pollution certificate must be in the form mentioned in the following table.

Item	Certificate	Form
1	EIAPP certificate	Engine International Air Pollution Prevention Certificate set out in Appendix I to the NO <sub>x</sub> Technical Code
2	IAPP certificate	International Air Pollution Prevention Certificate set out in Appendix I to Annex VI
3	IEE certificate	International Energy Efficiency Certificate set out in Appendix VIII to Annex VI

**17 Commencement and duration of certificates**

- (1) An IAPP certificate and an EIAPP certificate come into force, and cease to be in force, in accordance with regulation 9 of Annex VI.

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- (2) An IEE certificate for a vessel remains in force for the life of the vessel in accordance with paragraph 10 of regulation 9 of Annex VI.

*Note* A certificate may be revoked in accordance with the criteria mentioned in this Division.

**Subdivision 2 Criteria for revocation of certificates****18 Criteria for revocation of IAPP certificate**

For section 134 of the Navigation Act, the criteria for revocation of an IAPP certificate are that:

- (a) a survey is not completed in the time required by regulation 5 of Annex VI for the survey; or
- (b) the vessel does not comply with the requirements that apply to it under regulation 5 of Annex VI; or
- (c) the certificate has not been endorsed (after a renewal survey) as required by regulation 6 of Annex VI; or
- (d) the vessel to which the certificate applies ceases to be registered in Australia.

*Note for paragraph (b)* The requirements that apply under regulation 5 of Annex VI include a requirement for maintenance of equipment — see paragraph 5 of regulation 5.

**19 Criteria for revocation of IEE certificate**

For section 134 of the Navigation Act, the criteria for revocation of an IEE certificate are that the vessel to which the certificate applies:

- (a) is withdrawn from service; or
- (b) undergoes a major conversion (within the meaning of regulation 2 in Annex VI); or
- (c) ceases to be registered in Australia.

**20 Criteria for revocation of EIAPP certificate**

For section 134 of the Navigation Act, the criteria for revocation of an EIAPP certificate for a marine diesel engine installed on a vessel are that:

- (a) a survey of the engine is not completed in the time required by the NO<sub>x</sub> Technical Code; or
- (b) if regulation 13 of Annex VI applies to the engine — the emissions from the engine are not within the limits specified in regulation 13 of Annex VI for the intended operation of the engine; or
- (c) the engine to which the certificate applies is withdrawn from service; or
- (d) the vessel ceases to be registered in Australia.

**Division 3 Nitrogen oxides****21 Restrictions on operation of engines**

- (1) A person must not operate a marine diesel engine on a vessel if:
  - (a) the engine is of a kind to which regulation 13 of Annex VI applies; and
  - (b) none of the conditions mentioned in subsection (2) are met.



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- (2) For paragraph (1)(b), the conditions are:
- (a) the emissions of nitrogen oxides from the engine are likely to be within the limits specified in regulation 13 of Annex VI for the intended operation of the engine and equipment; or
  - (b) an alternative control measure (of a kind mentioned in paragraph 1.2.2 of regulation 13 of Annex VI) is in place to reduce onboard emissions of nitrogen oxides from the engine at least to the limit mentioned for the engine in regulation 13 of Annex VI.
- Penalty: 50 penalty units.
- (3) An offence against subsection (1) is a strict liability offence.
- (4) A person is liable to a civil penalty if the person contravenes subsection (1).
- Civil penalty: 50 penalty units

**Division 4 Incineration on board vessels****22 Restrictions on incineration on board vessels**

- (1) A person must not incinerate any matter on board a vessel if incineration of the matter is prohibited (either absolutely or in a specified circumstance or a specified way) by regulation 16 of Annex VI.
- Penalty: 50 penalty units.
- (2) A person must not incinerate any matter on board a vessel in an incinerator that does not comply with regulation 16 of Annex VI.
- Penalty: 50 penalty units.
- (3) Subsections (1) and (2) do not apply to incineration of any matter in an incinerator for which AMSA has allowed exclusion from subparagraph 6.1 of regulation 16 of Annex VI.
- (4) An offence against subsection (1) or (2) is a strict liability offence.
- (5) A person is liable to a civil penalty if the person contravenes subsection (1) or (2).
- Civil penalty: 50 penalty units.
- (6) A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2013*, for exclusion from subparagraph 6.1 of regulation 16 of Annex VI.
- (7) The decision maker for the application is the holder of an office in AMSA to which AMSA has delegated the power to approve the exclusion.

*Note* Regulation 16 includes requirements for the following:

- (a) an IMO Type Approval Certificate (or exclusion from that requirement) — see subparagraph 6.1 of regulation 16 and appendix IV to Annex VI;
- (b) approval taking into account the *2014 Standard specification for shipboard incinerators* adopted by IMO Resolution MEPC.244(66), as in force from time to time — see subparagraph 6.1 of regulation 16.

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**Section 23****23 Responsibilities of owner**

- (1) The owner of a vessel must ensure that a copy of the manufacturer's operating manual for an incinerator is available in accordance with paragraph 7 of regulation 16 of Annex VI.

Penalty: 50 penalty units.

- (2) The owner of a vessel must ensure that seafarers responsible for operating an incinerator mentioned in regulation 16 of Annex VI are trained so that they can implement the guidance given by the manufacturer's operating manual.

Penalty: 50 penalty units.

- (3) An offence against subsection (1) or (2) is a strict liability offence.

- (4) The owner of a vessel is liable to a civil penalty if the owner contravenes subsection (1) or (2).

Civil penalty: 50 penalty units.

**24 Responsibilities of master**

- (1) The master of a vessel must ensure that:

(a) the combustion chamber gas outlet temperature of an incinerator installed on the vessel is monitored at all times; and

(b) waste is not fed into the incinerator when the combustion chamber gas outlet temperature is below 850°C.

Penalty: 50 penalty units.

- (2) An offence against subsection (1) is a strict liability offence.

- (3) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty: 50 penalty units.

**Division 5 Reporting requirements****25 Reports of alterations to vessels**

For paragraph 137(1)(c) of the Navigation Act, the period within which AMSA and an issuing body must be informed of an alteration to a vessel is 7 days after the alteration is made.

*Note 1* An approved form for reporting of alterations to vessels is available from the AMSA website: <http://www.amsa.gov.au>.

*Note 2* For other reporting requirements — see *Transport Safety Investigation Act 2003*, sections 18 and 19.

**26 Marine incidents**

For paragraph (l) of the definition of *marine incident* in subsection 14(1) of the Navigation Act, the following incidents are prescribed:

(a) an incident involving a vessel that may affect compliance by the vessel with the requirements of Annex VI;

(b) anything that substantially affects the efficiency or completeness of the vessel's equipment covered by Annex VI.

*Note* The owner of a vessel must report marine incidents to AMSA — see s 185 of the Navigation Act. The master of a vessel must report marine incidents to AMSA — see s 186 of

the Navigation Act. For the prescribed periods for reporting marine incidents — see section 48 of *Marine Order 31 (Vessel surveys and certification) 2015*.

## Division 6 Energy efficiency

### 27 Attained EEDI

The attained EEDI for a vessel must be worked out in accordance with regulation 20 of Annex VI.

*Note* The guidelines mentioned in regulation 20 for working out the attained EEDI are the *2014 Guidelines on the method of calculation of the attained Energy Efficiency Design Index (EEDI) for new ships* adopted by IMO Resolution MEPC.245(66), as in force from time to time.

### 28 Required EEDI

The required EEDI for a vessel must be worked out in accordance with regulation 21 of Annex VI.

*Note* For guidance on working out reference line values for required EEDI — see the *2013 Guidelines for calculation of reference lines for use with Energy Efficiency Design Index (EEDI)* adopted by IMO Resolution MEPC.231(65), as in force from time to time.

### 29 Ship energy efficiency management plan

For subsection 26FEW(3) of the Pollution Prevention Act, a SEEMP must contain the information required by *2012 Guidelines for the development of a ship energy efficiency management plan*, adopted by IMO resolution MEPC.213(63), as in force from time to time.

*Note 1* The Guidelines include training among the means of implementing a SEEMP — see paragraph 4.1.6 of the Guidelines.

*Note 2* Information about obtaining copies of IMO resolutions is available on the AMSA website at <http://www.amsa.gov.au>.

## Division 7 Matters prescribed for the Pollution Prevention Act

### 30 Sulphur content of fuel oil — prescribed limits generally

For paragraphs 26FEG(1)(b) and (2)(a) of the Pollution Prevention Act, the following limits for the sulphur content of fuel oil are prescribed:

- (a) before 1 January 2020 — 3.50% m/m;
- (b) after 31 December 2019 — 0.50% m/m.

### 31 Sulphur content for fuel oil — SO<sub>x</sub> emission control conditions

- (1) For paragraph 26FEH(4)(a) of the Pollution Prevention Act, the following limits are prescribed for the sulphur content of fuel oil mentioned in that paragraph:
  - (a) before 1 January 2015 — 1.00% m/m;
  - (b) after 31 December 2014 — 0.10% m/m.
- (2) For subparagraph 26FEH(4)(b)(i) of the Pollution Prevention Act:
  - (a) an exhaust gas cleaning system must be operated in compliance with the 2015 Guidelines; and
  - (b) the prescribed level of emission of sulphur oxides is as shown in Table 1 of the 2015 Guidelines for the sulphur content (within the limits prescribed by subsection (1)) of the fuel oil being used.

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- (3) For subparagraph 26FEH(4)(b)(ii) of the Pollution Prevention Act, a waste stream arising from the operation of an exhaust gas cleaning system may be discharged only if:
- (a) there is continuous monitoring and recording of the waste stream; and
  - (b) the waste stream is within the limits mentioned in section 10 of the 2015 Guidelines.

- (4) In this section:

**2015 Guidelines** means *2015 Guidelines for exhaust gas cleaning systems* adopted by IMO Resolution MEPC.259(68), as in force from time to time.

*Note* Subparagraph 26FEH(4)(b)(i) of the Pollution Prevention Act allows use of a technological method for reducing the total emissions of sulphur oxides from a ship, other than an exhaust gas cleaning system. However, when this Order was made, no other technological method existed.

**32 Flushing fuel oil service systems**

For paragraphs 26FEI(1)(d) and (2)(d) of the Pollution Prevention Act, the following limits for the sulphur content of fuel oil are prescribed:

- (a) before 1 January 2015 — 1.00% m/m;
- (b) after 31 December 2014 — 0.10% m/m.

**33 Record of prescribed fuel-changeover operation**

- (1) For paragraphs 26FEJ(1)(a) and 26FEJ(3)(a) of the Pollution Prevention Act, the following are prescribed record books:
- (a) for a ship over 400 GT or an oil tanker over 150GT — the vessel's oil record book (Part 1) or the official logbook;
  - (b) for any other ship — the official logbook.
- (2) For paragraph 26FEJ(1)(a) of the Pollution Prevention Act, an entry must:
- (a) be made as soon as only fuel oil with a sulphur content of less than 1.5% m/m is being burned; and
  - (b) include:
    - (i) the volume of low-sulphur fuel oil (up to 1.5% sulphur content) in each tank; and
    - (ii) the date, time and position of the vessel when any fuel-changeover operation is completed.
- (3) For paragraph 26FEJ(1)(a) of the Pollution Prevention Act, a prescribed fuel-changeover operation is any fuel-changeover operation carried out before entering an emission control area mentioned in paragraph 3 of regulation 14 of Annex VI.
- (4) For paragraph 26FEJ(1)(b) of the Pollution Prevention Act, the prescribed period is 3 years after the last entry has been made.

**Section 35****34 Register of Local Suppliers of Fuel Oil**

- (1) For paragraph 26FEM(3)(a) of the Pollution Prevention Act, AMSA must:
  - (a) maintain the Register of Local Suppliers of Fuel Oil based on information given in:
    - (i) Local Fuel Suppliers' Initial Declarations completed in accordance with subsection (2); and
    - (ii) Local Fuel Suppliers' Annual Declarations completed in accordance with subsection (3); and
  - (b) enter in the Register the details provided in those declarations.

*Note* The Register of Local Suppliers of Fuel Oil was established under subsection 26FEM(1) of the Pollution Prevention Act in the way prescribed by *Marine Order 97 (Marine pollution prevention — air pollution) 2007*.

- (2) For subparagraph 26FEM(3)(b)(i) of the Pollution Prevention Act, a person seeking registration as a local supplier of fuel oil must complete a Local Fuel Oil Suppliers Initial Declaration and send the completed form to the address shown on the form.

*Note* Approved forms are available on the AMSA website at <http://www.amsa.gov.au>.

- (3) If, at any time before the first Annual Declaration is due, any changes occur to information provided in the Initial Declaration, the person who completed the Initial Declaration must send a new Initial Declaration with the new information.

*Note* Approved forms are available on the AMSA website at <http://www.amsa.gov.au>.

- (4) For subparagraph 26FEM(3)(b)(ii) of the Pollution Prevention Act, a person registered as a local supplier of fuel oil must complete a Local Fuel Oil Suppliers' Annual Declaration in June or July each year and send the completed form to the address shown on the form.

**35 Bunker delivery note and sample**

- (1) For paragraph 26FEO(1)(d) of the Pollution Prevention Act, a completed bunker delivery note must be given to the master or the officer in charge of the bunker operation on completion of bunkering operations.

*Note* AMSA has approved the Bunker Delivery Note set out in Appendix V to Annex VI as the approved form.

- (2) For paragraph 26FEO(2)(d) of the Pollution Prevention Act, a representative sample must be given to the master or the officer in charge of the bunker operations on completion of bunkering operations.
- (3) For paragraph 26FEO(2)(d) of the Pollution Prevention Act, a representative sample must be signed and sealed by the supplier's representative and the master or officer in charge of the bunker operation on completion of bunkering operations.

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**36 Fuel oil sample retention**

For paragraph 26FER(1)(d) of the Pollution Prevention Act, the sample of fuel oil mentioned in paragraph 26FER(1)(c) of that Act must be retained:

- (a) on board the vessel; or
- (b) at a shore based location, for example a port office or other similar facility, where the samples can be accessed readily.

*Note* For the period for which a sample must be retained — see subsection 26FER(1) of the Pollution Prevention Act.

**37 Ozone depleting substances record book**

- (1) For paragraph 26FET(3)(a) of the Pollution Prevention Act, an ozone depleting substances record book must be:
  - (a) part of an existing logbook; or
  - (b) an electronic recording system approved by AMSA.
- (2) Division 3 of *Marine Order 1 (Administration) 2013* applies to an application to AMSA for an approval mentioned in paragraph (1)(b).
- (3) The decision maker for the application is the holder of an office in AMSA to which AMSA has delegated the power to approve the electronic recording system.
- (4) For subsections 26FET(3), (7) and (8) of the Pollution Prevention Act, each entry and page in an electronic recording system mentioned in paragraph (1)(b) is taken to have been signed by the master of the vessel.
- (5) For paragraphs 26FET(6)(a) and (8)(b) of the Pollution Prevention Act, the following operations or occurrences are prescribed:
  - (a) recharge, full or partial, of equipment containing ozone depleting substances;
  - (b) repair or maintenance of equipment containing ozone depleting substances;
  - (c) discharge of ozone depleting substances to the atmosphere:
    - (i) deliberately; or
    - (ii) not deliberately;
  - (d) discharge of ozone depleting substances to land-based reception facilities;
  - (e) supply of ozone depleting substances to the vessel.

## Notes to *Marine Order 97 (Marine pollution prevention — air pollution) 2013*

### Note 1

*Marine Order 97 (Marine pollution prevention — air pollution) 2013* (in force under subsection 342(1) of the *Navigation Act 2012*) and subsection 34(1) of the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* as shown in this compilation comprises *Marine Order 97 (Marine pollution prevention — air pollution) 2013* amended as indicated in the following tables.

### Table of Orders

Year and number	Registration date	FRLI number	Commencement date	Application, saving or transitional provisions
<i>Marine Order 97 (Marine pollution prevention — air pollution) 2013</i> (MO 2013/16)	2 September 2013	F2013L01659	3 September 2013	–
<i>Marine Order 97 (Marine pollution prevention — air pollution) Amendment 2016</i> (No. 1) (MO 2016/14)	7 November 2016	F2016L01720	1 December 2016	–

### Table of amendments

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision affected	How affected
2.....	rep. <i>Legislation Act 2003</i> , s. 48D
3.....	rep. <i>Legislation Act 2003</i> , s. 48C
6.....	am. MO2016/14
9.....	rs. MO2016/14
11.....	am. MO2016/14
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