



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

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AMSA MO 2014/1

**Marine Order 94 (Marine pollution prevention — packaged harmful substances) 2014**

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I, Graham Peachey, Chief Executive Officer of the Australian Maritime Safety Authority, make this Order 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*.

19 February 2014

**Graham Peachey**  
Chief Executive Officer

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## Division 1 Preliminary

### 1 Name of Order

This Order is *Marine Order 94 (Marine pollution prevention — packaged harmful substances) 2014*.

### 2 Commencement

This Order commences on the day after it is registered.

### 3 Repeal of *Marine Order 94 (Marine pollution prevention — packaged harmful substances) 2009*

*Marine Order 94 (Marine pollution prevention — packaged harmful substances) 2009* is repealed.

### 4 Purpose

This Order:

- (a) gives effect to Annex III of MARPOL (which deals with prevention of marine pollution by harmful substances carried by sea in packaged form); and
- (b) prescribes matters for Part IIIA of the Pollution Prevention Act (which deals with the prevention of pollution by packaged harmful substances).

*Note* Chapter 8 of the Navigation Act includes enforcement powers for inspectors, including inspection, directions and detention.

### 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 339(1) which 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;

- (b) paragraph 340(1)(c) which provides for regulations to be made to give effect to MARPOL;
  - (c) subsection 342(1) which provides that AMSA may make a Marine Order about anything that may or must be made by the regulations.
- (3) The following provisions of the Pollution Prevention Act 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.

## 6 Definitions

In this Order:

**Annex III** means Annex III to MARPOL.

**harmful substance** has the same meaning as it has in regulation 1 of Annex III.

*Note* Criteria for the identification of harmful substances are set out in the Appendix to Annex III.

**packaged form** has the same meaning as it has in regulation 1 of Annex III.

*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* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- inspector
- owner.

*Note 3* Most provisions of this Order are expressed using terms used in the Navigation Act (eg **vessel**). However, some provisions of this Order that are made solely under the Pollution Prevention Act use terms that are used in that Act (eg **ship**). An example of a provision using terms used in the Pollution Prevention Act is section 10.

*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>.

## 7 Application

- (1) Subject to subsection 33(2) of the Pollution Prevention Act and section 12 of the Navigation Act, this Order applies to a vessel to which Annex III applies that is:
- (a) a regulated Australian vessel; or
  - (b) a domestic commercial vessel; or
  - (c) a recreational vessel that has Australian nationality; or
  - (d) a foreign vessel.

**Section 8**

*Note* The legislation mentioned in this subsection 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*.

- (2) This Order also applies to a vessel that is owned or operated by the Commonwealth and used, for the time being, on government non-commercial service.

**Division 2 Convention requirements****8 Convention requirements**

- (1) If a vessel has on board harmful substances in packaged form, the owner of the vessel must comply with regulations 2 to 5 of Annex III.
- (2) For paragraphs 1 and 2 of regulation 4 of Annex III, AMSA is the designated organisation.
- (3) A copy of the special list, manifest or stowage plan mentioned in paragraph 2 of regulation 4 of Annex III must be given before departure to AMSA at the AMSA office at or nearest to the port of loading.

*Note* Regulations 2, 3 and 5 of Annex III set out requirements for the packing, marking, labelling and stowage of packaged harmful substances. Regulation 4 of Annex III mentions requirements for the transport of packaged harmful substances including the need to comply with the International Maritime Dangerous Goods Code (the *IMDG Code*) for transport information and the preparation of a special list, manifest or stowage plan. The IMDG Code as currently in force is available from the IMO website at <http://www.imo.org>. The IMO resolution that adopts or amends the IMDG Code is listed on AMSA's website.

**Division 3 Prescribed matters****9 Washing substances overboard**

For paragraph 26AB(6)(a) of the Pollution Prevention Act, the substance may be washed overboard only if the master:

- (a) has considered the physical, chemical and biological properties of the substance; and
- (b) reasonably considers that washing overboard is the most appropriate manner of disposal; and
- (c) has authorised the washing overboard.

**10 Prescribed manner of notifying an incident**

For subsections 26B(3) and 26B(5) of the Pollution Prevention Act, the notification must:

- (a) start with the code letters POLREP and the name, IMO number and radio call-sign of the ship; and
- (b) be sent by:
  - (i) telephone; or
  - (ii) fax; or
  - (iii) radio; or
  - (iv) email.

*Note 1* If Australia is the nearest coastal state for notification of an incident, AMSA may be contacted as follows: Rescue Coordination Centre (RCC) Australia: telephone: +61 (0)2 6230 6811; freecall: 1800 641 792 (within Australia); fax: +61 (0)2 6230 6868; AFTN: YSARYCYX; email: [rccaus@amsa.gov.au](mailto:rccaus@amsa.gov.au).

**Section 12**

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*Note 2* Subsection 26B(3) of the Pollution Prevention Act requires notification of a prescribed incident to a prescribed officer. For the definition of *prescribed officer* — see subsection 3(2) of the Act.

**11 Prescribed form — marine pollutants report**

For subsections 26B(8) and 26B(9) of the Pollution Prevention Act, the prescribed form for reporting a prescribed incident is set out in Schedule 1.

**12 Prescribed time for giving a report**

For subsections 26B(8) and 26B(9) of the Pollution Prevention Act, a report must be given within 24 hours after receiving the request for the report.

## **Schedule 1 Marine pollutants report form**

(section 11)

When reporting discharge or potential discharge of a marine pollutant in a packaged form, the following information is to be provided.

*Note 1* If any of the following items of the ship reporting format are inappropriate they should be omitted from the report. These items of the standard reporting format are mentioned in IMO Resolution A.851(20) as amended by MEPC.138(53).

*Note 2* A copy of this form is available on AMSA's website at <http://www.amsa.gov.au>

### **A Ship**

Name

Call sign/ship station identity

Flag

### **B Date & time of event**

Time must be expressed as Coordinated Universal Time (UTC)

#### **Position**

**C** A 4 digit group giving latitude in degrees and minutes suffixed with N (north) or S (south) and a 5 digit group giving longitude in degrees and minutes suffixed with E (east) or W (west)

*or*

**D** True bearing (first 3 digits) and distance in nautical miles from a clearly identified landmark (state landmark)

### **M Radio communications**

Full names of stations and frequencies guarded

### **P Probable discharge**

1. Correct technical name or names of goods
2. UN number or numbers if available
3. IMO hazard class or classes
4. Names of manufacturers of goods if known, or consignee or consignor
5. Types of packages, their identification marks, kind of cargo transport unit (eg portable tank, tank vehicle, vehicle container, freight container) from which they were discharged, official registration marks and identification number of the cargo transport unit
6. Estimate of the quantity and likely condition of the goods

### **Q Condition of ship**

Condition of ship if relevant to the discharge

### **R Discharge**

1. Correct technical name or names of goods
2. UN number or numbers if available

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3. IMO hazard class or classes
  4. Names of manufacturers of goods if known, or consignee or consignor
  5. Types of packages, their identification marks, kind of cargo transport unit (eg portable tank, tank vehicle, vehicle container, freight container) from which they were discharged, official registration marks and identification number of the cargo transport unit
  6. Estimate of the quantity and likely condition of the goods
  7. Whether lost goods floated or sank
  8. Whether loss is continuing
  9. Cause of loss

**S Weather conditions**

Give brief details of weather and sea conditions prevailing

**T Contact details**

Name, address, telephone number and fax or telex number of the ship's owner and representative (charterer, manager or operator of the ship or their agent)

**U Ship size and type**

1. Type of ship
2. Length of ship
3. Breadth of ship
4. Tonnage of ship

**X Action**

1. Action being taken with regard to the discharge and the movement of the ship
2. Assistance or salvage efforts that have been requested or that have been provided by others
3. Particulars of action planned by assisting or salvaging ship

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**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>.