



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

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AMSA MO 2014/11

**Marine Order 42 (Cargo, stowage and securing) 2014**

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I, Mick Kinley, Acting Chief Executive Officer of the Australian Maritime Safety Authority, make this Order under subsection 342(1) of the *Navigation Act 2012*.

25 June 2014

**Mick Kinley**  
Acting Chief Executive Officer

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## Division 1 Preliminary

### 1 Name of Order

This Order is *Marine Order 42 (Cargo, stowage and securing) 2014*.

### 1A Commencement

This Order commences on 1 August 2014.

### 1B Repeal of *Marine Order 42 (Cargo stowage and securing) 2003*

*Marine Order 42 (Cargo stowage and securing) 2003* is repealed.

### 2 Purpose

This Order gives effect to the following provisions in Chapter VI of SOLAS:

- (a) regulation 2 (Cargo information);
- (b) regulation 5 (Stowage and securing);
- (c) regulation 5-2 (Blending of liquid bulk cargoes).

*Note* For the text of SOLAS — see <http://www.imo.org>.

### 3 Power

- (1) The following provisions of the Navigation Act provide for this Order to be made:
  - (a) subsection 112(4) which provides that the regulations may provide for the carriage of cargo on a vessel;
  - (b) paragraph 340(1)(a) which provides that the regulations may provide for giving effect to SOLAS.
- (2) Subsection 339(1) of the Navigation Act provides 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 Navigation Act.
- (3) Section 341 of the Navigation Act provides for the imposition of penalties in regulations.
- (4) Subsection 342(1) of the Navigation Act provides that AMSA may make a Marine Order about anything that may or must be made by regulation.

### 4 Definitions

In this Order:

**2011 TDC Code** means the *Code of Safe Practice for Ships Carrying Timber Deck Cargoes, 2011*, as adopted by IMO resolution A.1048(27) and in force from time to time.

**approved** means:

- (a) for a regulated Australian vessel — approved by AMSA or a recognised organisation; or
- (b) for a foreign vessel — approved by or for the Administration of the foreign country.

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**CSS Code** means the *Code of Safe Practice for Cargo Stowage and Securing*, as adopted by IMO resolution A.714(17) and in force from time to time.

*Note* For the text of the CSS Code — see <http://www.imo.org>.

**IMDG Code** means the International Maritime Dangerous Goods Code.

*Note* For the text of the IMDG Code — see <http://www.imo.org>.

**on deck** includes on top of hatch covers.

*Note 1* Also see IMO Circulars MSC/Circ. 525 (*Guidance note on precautions to be taken by the masters of ships below 100 metres in length engaged in the carriage of logs and MSC/Circ.548 Guidance note on precautions to be taken by masters of ships engaged in the carriage of timber cargoes*).

*Note 2* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2013*, including:

- IMO
- length
- Navigation Act
- SOLAS.

*Note 3* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- inspector
- International Maritime Dangerous Goods Code
- master.

*Note 4* For delegation of AMSA's powers under this Order — see the AMSA website Marine Orders link at <http://www.amsa.gov.au>.

## 5 Meaning of certain expressions

- (1) A term that is used in this Order but is not defined for this Order, and is defined in SOLAS or in a code mentioned in this Order, has the meaning given by SOLAS or the code.

*Note* This includes *cargo transport unit* defined in the IMDG Code, *cargo unit* defined in the CSS Code and *freight container* defined in the IMDG Code.

- (2) A reference to *the Administration* in Chapter VI of SOLAS or an IMO resolution or document mentioned in this Order is taken to mean AMSA.

*Note* For information on obtaining copies of IMO documents mentioned in this Order — see the AMSA 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:

- (a) the stowing and securing of cargoes on:
  - (i) a regulated Australian vessel; or
  - (ii) a foreign vessel:
    - (A) in an Australian port; or
    - (B) entering or leaving an Australian port; or
    - (C) in the internal waters of Australia; or
    - (D) in the territorial sea of Australia, other than in the course of innocent passage; and

- (b) a cargo unit or cargo transport unit packed or being packed for transport on a vessel mentioned in paragraph (a); and
- (c) blending of bulk liquid cargoes on a vessel mentioned in paragraph (a); and
- (d) any deliberate operation in which a chemical reaction between the cargo and any other substance or cargo takes place on a vessel mentioned in paragraph (a).

## 7 Exemptions

- (1) A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2013*, for an exemption of a vessel from a requirement of this Order, the CSS Code or the 2011 TDC Code.
- (2) AMSA may give an exemption only if satisfied that:
  - (a) requiring compliance with the requirement would be unreasonable or impracticable; and
  - (b) giving the exemption would not contravene SOLAS.

## 8 Equivalentents

- (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 use of an equivalent only if:
  - (a) it is satisfied that use of the equivalent would be at least as effective as compliance with the requirement to which the equivalent is an alternative; and
  - (b) use of the equivalent would not contravene SOLAS.

*Note* *Marine Order 1 (Administration) 2013* deals with the following matters about equivalentents and 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.

## 9 Review of decisions

A decision under this Order, other than a decision under section 7 or 8, is taken to be a reviewable decision for section 18 of *Marine Order 1 (Administration) 2013*.

*Note* A decision under section 7 or 8 is also a reviewable decision for *Marine Order 1 (Administration) 2013* because it is mentioned in section 16 of that Order.

# Division 2 Matters relating to cargo

## 10 Information for master

Paragraphs 1 and 2.1 of regulation 2 of Chapter VI of SOLAS have effect for the loading of cargo on a vessel in a port in Australia.

*Note* These provisions require a shipper to give information about cargo, including the information mentioned in chapter 1.9 of the CSS Code, to the master before loading. A suitable form for giving cargo information to the master or the master's representative (as required by

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regulation 2 of Chapter VI of SOLAS) is the 'Shippers Declaration' Form, available from the AMSA website at <http://www.amsa.gov.au>.

### 11 Verification of mass before loading

Paragraph 3 of regulation 2 of Chapter VI of SOLAS has effect for the loading of cargo on a vessel in a port in Australia.

*Note* This provision requires that, before loading cargo units on board a vessel, the shipper must ensure that the gross mass of the units is in accordance with the gross mass declared in the cargo information given in accordance with section 10.

### 12 Stowage and securing — requirements

Cargo, cargo units and cargo transport units must be packed, loaded, stowed and secured in accordance with regulation 5 of Chapter VI of SOLAS.

### 13 Loading of freight containers

- (1) A person must not load a freight container to more than the maximum gross mass indicated on the Safety Approval Plate under *Marine Order 44 (Safe Containers) 2012*.

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.

### 14 Cargo Securing Manual

#### [SOLAS V1/5]

- (1) The master of a vessel, other than a vessel carrying only passengers or only a bulk solid, liquid or gaseous cargo, must ensure that the vessel carries an approved Cargo Securing Manual prepared in accordance with IMO MSC.1/Circ. 1353 *Revised Guidelines for the Preparation of Cargo Securing Manual*, as in force from time to time.

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.

- (4) A cargo (other than a solid or liquid bulk cargo), cargo unit or cargo transport unit must be loaded, and stowed and secured throughout a voyage, in accordance with regulation 5 of Chapter VI of SOLAS.
- (5) For subsection (4), a vessel moving within a port (eg shifting berth or proceeding to a safe anchorage) is taken not to be on a voyage.

### 15 Unsafe or inadequate arrangements

- (1) For paragraph 112(5)(c) of the Act, AMSA may give written notice to a person if AMSA considers that:
  - (a) the person is responsible for the loading, stowage or carriage of cargo on the vessel; and

- (b) either:
  - (i) the Cargo Securing Manual, the CSS Code or the 2011 TDC Code are not being complied with; or
  - (ii) the loading, stowage or carriage of cargo on the vessel is unsafe.
- (2) The notice may:
  - (a) prohibit loading, stowage or carriage of the cargo on the vessel; or
  - (b) require additional conditions to be met, either generally or for a particular vessel or a particular cargo; or
  - (c) require verification of the mass of a cargo unit.
- (3) A person must comply with a notice given to the person under subsection (1).  
Penalty: 50 penalty units.
- (4) An offence against subsection (3) is a strict liability offence.
- (5) A person is liable to a civil penalty if the person contravenes subsection (3).  
Civil penalty: 50 penalty units.

*Note* It is an offence not to take proper precautions in loading a vessel — see Act, s. 114.

## 16 Additional information

If AMSA considers that the information available about a particular cargo does not show that the cargo can be loaded and carried on a vessel without danger to the vessel or any person on the vessel, AMSA may require additional information to be given to show that the cargo can be loaded and carried without danger.

## 17 Stowage of cargo on deck

Cargo may be stowed on the deck of a vessel only if:

- (a) there is clear access, during and after stowage, between every exit from accommodation and every lifesaving appliance; and
- (b) there is clear access between every exit from seafarer accommodation and every space or area required for the normal and emergency working of the vessel; and
- (c) accessways are at least 600 mm wide, of adequate height and kept free of obstruction at all times; and
- (d) provision is made for adequate stability at all times during the voyage; and
- (e) there is adequate access for pilots; and
- (f) there is adequate visibility from the bridge and all lookout positions; and
- (g) provision is made to prevent navigation lights from being obscured; and
- (h) it is secured in accordance with the approved Cargo Securing Manual.

*Note* For requirements about navigation bridge visibility — see section 24 of *Marine Order 21 (Safety of navigation and emergency procedures) 2012*.

## 18 Blending liquid bulk cargoes or production processes on voyages

The master of a vessel must comply with Regulation 5-2 of Chapter VI of SOLAS.

*Note* Regulation 5-2 does not apply to the use of cargoes in the search and exploitation of seabed mineral resources.

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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>.