

AMSA MO 2014/13

Marine Order 35 (Additional safety measures for bulk carriers) 2014

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*.

17 July 2014

**Mick Kinley**
Acting Chief Executive Officer

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Division 1 Preliminary

1 Name of Order

 This Order is *Marine Order 35 (Additional safety measures for bulk carriers) 2014*.

1A Commencement

 This Order commences on 1 August 2014.

1B Repeal of *Marine Order 35 (Additional safety measures for bulk carriers) 2006*

*Marine Order 35 (Additional safety measures for bulk carriers) 2006* is repealed.

2 Purpose

 This Order gives effect to Chapter XII of SOLAS, which provides structural, stability and other requirements for bulk carriers supplementing those mentioned in other chapters of SOLAS.

3 Power

 (1) The following provisions of the Navigation Act provide for this Order to be made:

(a) subsection 112(5) which provides that regulations may be made for the loading, stowing or carriage of cargo in vessels, the unloading of cargo from vessels, and the giving of notices for the loading, or the unloading, stowage or carriage of cargo into vessels; and

(b) paragraph 339(2)(a) which provides that regulations may be made for the design and construction of vessels; and

(c) paragraph 339(2)(e) which provides that regulations may be made for the stability of vessels; and

(d) paragraph 340(1)(a) which provides that regulations may be made to give effect to SOLAS; and

(e) section 341 which provides that regulations may impose penalties.

 (2) Subsection 339(1) of the Navigation Act provides that regulations may 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.

 (3) Subsection 342(1) of the Navigation Act provides that AMSA may make a Marine Order about any matter for which provision must or may be made by regulations.

4 Definitions

 In this Order:

***Chapter XII*** means Chapter XII of SOLAS.

***statement for carrying dry cargoes in bulk*** means:

(a) for a regulated Australian vessel — a statement for carrying dry cargoes in bulk mentioned in section 18; and

(b) for a foreign vessel — a statement for carrying dry cargoes in bulk mentioned in paragraph 1.10 of IMO Resolution MSC.277(85).

*Note 1*A copy of IMO documents mentioned in this Order is available on the IMO website at http://www.imo.org or AMSA’s website at http://www.amsa.gov.au.

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

* equivalent
* IMO
* SOLAS.

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

* foreign vessel
* issuing body
* regulated Australian vessel
* vessel.

*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 Interpretation

 In this Order:

(a) a term that is used in this Order but is not defined for this Order, and is defined in Chapter XII, has the meaning given by Chapter XII; and

(b) a reference to ***the Administration*** in Chapter XII or an IMO resolution or document mentioned in this Order is taken to mean AMSA; and

(c) any unified interpretation approved by the IMO for Chapter XII is to be taken into account when complying with the requirements of this Order.

6 Date of construction of vessel

 For this Order, a vessel is taken to have been constructed when:

(a) the keel is laid; or

(b) both:

 (i) construction identifiable with a specific vessel starts; and

 (ii) the lesser of at least 50 tonnes, or 1% of the estimated total mass of all structural material, of the vessel is assembled.

7 Application

 This Order applies to:

(a) a regulated Australian vessel; and

(b) a foreign vessel.

8 Exemptions

 (1) A person may apply for an exemption of a vessel from a requirement of this Order in accordance with the application process mentioned in *Marine Order 1 (Administration) 2013*.

 (2) AMSA may give an exemption only if satisfied that it would not contravene SOLAS.

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

9 Equivalents

 (1) A person may apply for approval to use an equivalent in accordance with the application process set out in *Marine Order 1 (Administration) 2013*.

 (2) AMSA may approve use of an equivalent only if satisfied that:

(a) it would be at least as effective as compliance with the requirement to which the equivalent is an alternative; and

(b) approving the use of the equivalent would not contravene SOLAS.

Division 2 Requirements for bulk carriers

10 Vessels primarily carrying dry cargoes in bulk

 (1) A bulk carrier that primarily carries dry cargo in bulk must comply with Chapter XII.

*Note*   For consideration of the meaning of ***bulk carrier*** *—*see paragraphs 1.3 and 1.4 of IMO Resolution MSC.277(85).

 (2) However, a vessel is not required to comply with Chapter XII if:

(a) it is constructed after 31 December 2008; and

(b) it is dedicated to carrying woodchips, cement, fly ash or sugar in bulk; and

(c) the loading and unloading of the cargo is not carried out by grabs heavier than 10 tonnes, power shovels or other means likely to damage a cargo hold structure; and

(d) it has a statement for carrying dry cargoes in bulk.

11 Vessels occasionally carrying dry cargoes in bulk

 (1) A vessel mentioned in paragraph 1.6 of IMO Resolution MSC.277(85) that is constructed after 30 June 2010 must:

(a) meet the requirements of that paragraph; and

(b) have a statement for carrying dry cargoes in bulk.

 (2) A vessel mentioned in paragraph 1.7 of IMO Resolution MSC.277(85) that is constructed after 30 June 2010 must:

(a) meet the requirements of that paragraph; and

(b) have a statement for carrying dry cargoes in bulk.

12 Notification requirement for solid bulk cargoes

 A person who intends to ship a solid bulk cargo with a density of at least 1780 kg/m3 must include that information in any notice of intention to ship solid bulk cargo required to be given under *Marine Order 34 (Solid bulk cargoes) 2007*.

13 Loading requirements for solid bulk cargoes

 (1) A master or owner of a vessel must not load the vessel with solid bulk cargo of a density of at least 1780 kg/m3 if:

(a) regulation 6 of Chapter XII applies to the vessel; and

(b) the vessel does not comply with that regulation.

Penalty: 50 penalty units.

 (2) A master or owner of a vessel must not load the vessel with solid bulk cargo of a density of at least 1780 kg/m3 if:

(a) regulation 7 of Chapter XII applies to the vessel; and

(b) the vessel does not comply with that regulation.

Penalty: 50 penalty units.

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

 (4) A person is liable to a civil penalty if the person contravenes subsection (1) or (2).

Civil penalty: 50 penalty units.

Division 3 Additional requirements for regulated Australian vessels

14 Bulk carrier construction

 (1) A bulk carrier that is a regulated Australian vessel must comply with requirements mentioned in the following sections of the IACS Unified Requirements UR S:

(a) *UR S17 Longitudinal strength of hull girder in flooded condition for bulk carriers*;

(b) *UR S20* *Evaluation of allowable hold loading for bulk carriers considering hold flooding*;

(c) *UR S18* *Evaluation of scantlings of corrugated transverse watertight bulkheads in bulk carriers considering hold flooding*.

 (2) In this section:

***IACS Unified Requirements UR S*** means the *Requirements concerning strength of ships*, published the International Association of Classification Societies.

*Note*This document is available from http://www.iacs.org.uk.

15 Hull stress monitoring systems

 If a regulated Australian vessel is fitted with a hull stress monitoring system, it must comply with the specifications mentioned in IMO Circular MSC/Circ.646 *Recommendations for the fitting of hull stress monitoring systems.*

16 Access requirements

 (1) This section applies to a regulated Australian vessel that is constructed:

(a) after 30 June 1999; or

(b) before 1 July 1999, if repairs or modifications are carried out that make compliance with subsection (2) reasonably practicable.

 (2) The owner of the vessel must ensure that there are safe and practical means of access to tanks, cargo holds and ballast spaces for maintenance purposes and to enable the hull structure of the vessel to be examined during survey.

*Note*IMO Circular MSC/Circ.686 *Guidelines on the means of access to structures for inspection and maintenance of oil tankers and bulk carriers* makes recommendations for access to tanks, holds and ballast spaces that apply to both bulk carriers and tankers.

17 Loading instruments

 The owner of a regulated Australian vessel to which regulation 11 of Chapter XII applies must ensure that the vessel is fitted with a loading instrument approved by an issuing body.

*Note*IMO Circular MSC/Circ.836 *Recommendation on loading instruments* sets out the loading instrument approval process.

Division 4 Statement for carrying dry cargoes in bulk

18 Statement for regulated Australian vessel carrying dry cargoes in bulk

 (1) An owner of a regulated Australian vessel may apply for a statement for carrying dry cargoes in bulk in accordance with the application process set out in *Marine Order 1 (Administration) 2013*.

 (2) AMSA may issue a statement for carrying dry cargoes in bulk, in accordance with paragraph 1.10 of IMO Resolution MSC.277(85).

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.