



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

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AMSA MO 2016/20

**Marine Order 17 (Chemical tankers and gas carriers) 2016**

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

8 December 2016

**Gary Prosser**  
Acting Chief Executive Officer

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## Division 1 Preliminary

### 1 Name of Order

This Order is *Marine Order 17 (Chemical tankers and gas carriers) 2016*.

### 1A Commencement

This Order commences on 1 January 2017.

### 1B Repeal of *Marine Order 17 (Liquefied gas carriers and chemical tankers) 2006*

*Marine Order 17 (Liquefied gas carriers and chemical tankers) 2006* is repealed.

### 2 Purpose

This Order:

- (a) gives effect to Parts B and C of Chapter VII of SOLAS dealing with the certification of vessels carrying dangerous liquid chemicals and liquefied gases in bulk as evidence of survey; and
- (b) provides for the safe operation of chemical tankers and gas carriers.

### 3 Power

- (1) The following provisions of the Navigation Act provide for this Order to be made:
  - (a) section 98 which provides that regulations may be made about safety certificates;
  - (b) subsection 112(5) which provides that regulations may provide 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 unloading, stowage or carriage, of cargo into vessels;
  - (c) section 314 which provides that regulations may be made about particular matters relating to certificates;
  - (d) paragraph 340(1)(a) which provides for regulations to give effect to SOLAS;
  - (e) subsection 341(1) which provides that the regulations may impose penalties for a contravention of a provision of the regulations including the imposition of civil penalties.
- (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 Act.
- (3) Subsection 342(1) of the Navigation Act provides that AMSA may make a Marine Order about matters that can be provided for by regulation.

### 4 Definitions

In this Order:

**BCH Code** means the *Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk* adopted by IMO Resolution MSC.9(53), as in force from time to time.

***Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk*** means a safety certificate:

- (a) mentioned in paragraph 10(1)(a) relating to vessel structure, equipment, fittings, arrangements and materials; and
- (b) in the form mentioned in the BCH Code.

***Certificate of Fitness for the Carriage of Liquefied Gases in Bulk*** means a safety certificate:

- (a) mentioned in paragraph 10(2)(a) relating to vessel structure, equipment, fittings, arrangements and materials; and
- (b) in the form mentioned in the EGC or the GC Code.

***EGC Code*** means the *Code for Existing Ships Carrying Liquefied Gases in Bulk* adopted by IMO Resolution A.329(IX), as in force from time to time.

***GC Code*** means the *Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk* adopted by IMO Resolution A.328(IX), as in force from time to time.

***IBC Code*** means the *International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk* adopted by IMO Resolution MSC.4(48), as in force from time to time.

***IGC Code*** means the *International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk* adopted by IMO Resolution MSC.5(48), as in force from time to time.

***International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk*** means a safety certificate:

- (a) mentioned in paragraph 10(1)(b) relating to vessel structure, equipment, fittings, arrangements and materials; and
- (b) in the form mentioned in the IBC Code.

***International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk*** means a safety certificate:

- (a) mentioned in paragraph 10(2)(b) relating to vessel structure, equipment, fittings, arrangements and materials; and
- (b) in the form mentioned in the IGC Code.

***Polar Code*** means the *International Code for Ships Operating in Polar Waters* adopted by IMO Resolution MSC. 385(94) and MEPC. 264(68), as in force from time to time.

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

- equivalent
- IMO
- SOLAS
- use.

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

- foreign vessel
- issuing body
- owner
- regulated Australian vessel.

*Note 3* For delegation of AMSA's powers under this Order — see the AMSA website Marine Orders link 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>.

## 5 Interpretation

In this Order:

- (a) a term that is used but is not defined for this Order, and is defined in SOLAS, has the meaning given by SOLAS; and
- (b) for a regulated Australian vessel — a reference to *the Administration* in a code mentioned in this Order is taken to mean AMSA.

## 6 Application

This Order applies to:

- (a) other than Division 3 — a regulated Australian vessel; and
- (b) other than Division 2 — a foreign vessel.

## 7 Exemption

- (1) An owner of a regulated Australian vessel may apply, in accordance with the application process mentioned in *Marine Order 1 (Administration) 2013*, for an exemption from a requirement of this Order.
- (2) AMSA may give an exemption only if satisfied that:
  - (a) compliance with the requirement would be unnecessary or unreasonable having regard to the vessel, its equipment and its intended voyage; and
  - (b) giving the exemption would not contravene SOLAS or a code mentioned in this Order.

*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
  - notification of a decision on an application
  - review of decisions.
- (3) An exemption is subject to any condition AMSA imposes to ensure the safety of the vessel.
  - (4) The owner of a vessel must comply with any condition mentioned in subsection (3).

## 8 Equivalents

- (1) An owner of a regulated Australian vessel 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 satisfied that use of the equivalent:
  - (a) would be at least as effective as compliance with the requirement to which the equivalent is an alternative; and

- (b) would not contravene SOLAS or a code mentioned in this Order.

## 9 Approvals

- (1) An owner of a regulated Australian vessel may apply to AMSA, in accordance with the application process set out in *Marine Order 1 (Administration) 2013*, for an approval to carry in polar waters noxious liquid substances in bulk that are mentioned in paragraph 2.1.3 of Part II-A of the Polar Code.
- (2) AMSA may, in writing, approve the carriage of noxious liquid substances in bulk if it is to be carried in accordance with paragraph 2.1.3 of Part II-A of the Polar Code.

## Division 2 Certificates issued under the Navigation Act

### 10 Certificates required

- (1) For subsection 98(3) of the Navigation Act (which enables the regulations to provide that specified kinds of vessels are required to have specified safety certificates), a regulated Australian vessel that is a chemical tanker must have the following certificates:
  - (a) for a vessel constructed before 1 July 1986 — a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk;
  - (b) for a vessel constructed after 30 June 1986 — an International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk.

*Note* It is an offence under sections 103 and 104 of the Navigation Act if a vessel is taken to sea without a certificate of a specified kind in force for the vessel.

- (2) For subsection 98(3) of the Navigation Act (which enables the regulations to provide that specified kinds of vessels are required to have specified safety certificates), a regulated Australian vessel that is a gas carrier must have the following certificates:
  - (a) for a vessel constructed before 1 July 1986 — a Certificate of Fitness for the Carriage of Liquefied Gases in Bulk;
  - (b) for a vessel constructed after 30 June 1986 — an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk.

*Note* It is an offence under sections 103 and 104 of the Navigation Act if a vessel is taken to sea without a certificate of a specified kind in force for the vessel.

### 11 Applying for certificates

- (1) For subsection 99(1) of the Navigation Act (which enables a person to apply to an issuing body for a safety certificate specified in the regulations), the following certificates are specified:
  - (a) a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk;
  - (b) an International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk;
  - (c) a Certificate of Fitness for the Carriage of Liquefied Gases in Bulk;
  - (d) an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk.

- (2) For subsection 99(2) of the Navigation Act, Division 3 of *Marine Order 1 (Administration) 2013*, other than section 17, applies to an application to AMSA for a certificate mentioned in subsection (1).

*Note 1* An issuing body may issue a safety certificate under section 100 of the Navigation Act.

*Note 2* Division 3 of *Marine Order 1 (Administration) 2013* prescribes some general rules about the making and determination of various kinds of applications. Section 17 of that Order provides for internal review of decision about applications. That section does not apply to safety certificates because those decisions are reviewable under subsection 313(1) of the Navigation Act.

## 12 Criteria for issue of certificate — chemical tanker

- (1) If the vessel is a chemical tanker constructed before 1 July 1986, the criteria for the issue of a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk are that:
- (a) the vessel has completed the initial or renewal survey mentioned in provision 1.6.2 of the BCH Code; and
  - (b) the vessel and its equipment meet the requirements of the BCH Code; and
  - (c) the owner of the vessel complies with the arrangements mentioned in the BCH Code.
- (2) If the vessel is a chemical tanker constructed after 30 June 1986, the criteria for the issue of an International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk are that:
- (a) the vessel has completed the initial or renewal survey mentioned in provision 1.5.2 of the IBC Code; and
  - (b) the vessel and its equipment meet the requirements of the IBC Code; and
  - (c) the owner of the vessel complies with the arrangements mentioned in the IBC Code.

## 13 Criteria for issue of certificate — gas carrier

- (1) If the vessel is a gas carrier constructed before 1 July 1986, the criteria for the issue of a Certificate of Fitness for the Carriage of Liquefied Gases in Bulk are that:
- (a) the vessel has completed the initial or renewal survey mentioned in provision 1.6.1 of the EGC Code or provision 1.6.2 of the GC Code that applies to the vessel; and
  - (b) the vessel meets the requirements of the EGC Code or the GC Code that apply to the vessel: and
  - (c) the owner of the vessel complies with the arrangements mentioned in the EGC or the GC Code that apply to the vessel.
- (2) If the vessel is a gas carrier constructed after 30 June 1986, the criteria for the issue of an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk are that:
- (a) the vessel has completed the initial or renewal survey mentioned in provision 1.4.2 of the IGC Code; and
  - (b) the vessel and its equipment meet the requirements of IGC Code; and
  - (c) the owner of the vessel complies with the arrangements mentioned in the IGC Code.

**14 Conditions of certificates**

For paragraph 100(2) of the Navigation Act, a certificate is subject to the following conditions:

- (a) for a chemical tanker:
  - (i) the vessel and its equipment must be maintained to comply with the requirements of the BCH Code or the IBC Code that apply to the vessel; and
  - (ii) the owner of the vessel must implement arrangements for the vessel required by the BCH Code or the IBC Code; and
  - (iii) if the vessel is carrying in polar waters any noxious liquid substances in bulk mentioned in regulation 2.1.3 of Part II-A of the Polar Code — the owner must have an approval mentioned in section 9 for the vessel; and
  - (iv) any survey required by the BCH Code or the IBC Code has been completed and endorsed on the certificate;
- (b) for a gas carrier:
  - (i) the vessel and its equipment must be maintained to comply with the requirements of the EGC Code, the GC Code or the IGC Code that apply to the vessel; and
  - (ii) the owner must implement arrangements for the vessel required by the EGC Code, the GC Code or the IGC Code; and
  - (iii) any survey required by the EGC Code, GC Code or the IGC Code has been completed and endorsed on the certificate;
- (c) after any survey mentioned in subparagraph (a)(iv) or subparagraph (b)(iii) has been completed, any change to vessel structure, equipment, fittings, arrangements and material covered by survey, other than direct replacement, must be approved by AMSA.

*Note* An issuing body may impose other conditions on a safety certificate — see paragraph 100(2)(b) of the Navigation Act.

**15 Endorsements**

For section 14, an endorsement on a certificate must be made by an issuing body.

**16 Commencement and duration of certificates**

A certificate comes into force, and ceases to be in force, in accordance with a code mentioned in section 12 or section 13 that applies to the vessel.

**17 Variation of certificates**

For subsection 101(1) of the Navigation Act, the criterion for the variation of a certificate is that the vessel has complied with conditions of the certificate mentioned in section 14.

**18 Criteria for revocation of certificates**

For section 102 of the Navigation Act, the criteria for the revocation of a certificate are that:

- (a) a condition of the certificate has been, or is likely to be, breached; or



- (b) the vessel to which the certificate applies ceases to be registered in Australia; or
- (c) the owner of the vessel asks in writing that the vessel's certificate be revoked; or
- (d) the certificate contains incorrect information.

### **Division 3 Requirements for foreign vessels**

#### **19 Requirements for foreign vessels**

- (1) A foreign vessel to which SOLAS applies that is a chemical tanker or gas carrier must:
  - (a) have on board any certificate that it is required to have under Chapter VII of SOLAS; and
  - (b) comply with the requirements of Parts B and C of Chapter VII of SOLAS.
- (2) A foreign vessel to which SOLAS does not apply that is a chemical tanker or gas carrier must have certificates or documentation required by the Administration of the country where the vessel is registered concerning structure, equipment, fittings, arrangements and materials.

### **Division 4 Safe operations**

#### **20 Safe operation of vessels**

- (1) The master or owner of a chemical tanker must ensure that it complies with requirements mentioned in Chapter V of the BCH Code or Chapter 16 of the IBC Code that apply to the vessel.

Penalty: 50 penalty units.

*Note* The requirements are operational matters that include:

- maximum allowable quantity of cargo to be loaded
- cargo information to be carried on board
- training of crew
- opening and entry of cargo areas
- stowage of cargo samples
- overheating of cargo.

- (2) The master or owner of a gas carrier must ensure that it complies with requirements mentioned in Chapter XVIII of the EGC Code, Chapter XVIII of the GC Code, or Chapter 18 of the IGC Code that apply to the vessel.

Penalty: 50 penalty units.

*Note* The requirements are operational matters that include:

- cargo information to be carried on board
- training of crew
- confined space entry
- carriage of cargo at low temperature
- protective equipment
- cargo emergency shutdown and alarm systems
- cargo transfer procedures.

- (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 subsection (2).

Civil penalty: 50 penalty units.

## **21 Proper precautions**

- (1) This section applies if an inspector believes, on reasonable grounds, that the doing of an activity or the failure to do an activity during the loading or unloading, stowage or carriage of cargo on a vessel, may:
- (a) damage the vessel; or
  - (b) pose a risk to the safety of persons; or
  - (c) damage the environment.
- (2) The inspector may give a written notice to a person requiring:
- (a) that the doing of an activity is to cease; or
  - (b) that precautions specified in the notice are to be undertaken.
- (3) A person who is given a notice must ensure that the notice is complied with to the extent that it relates to any matter over which the person has control.

*Note* Section 114 of the Navigation Act provides that a person commits an offence if proper precautions are not taken for an activity involving packing, sending, stowing, loading, unloading, securing or carrying cargo on a vessel.

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## **Note**

All legislative instruments and compilations of legislative instruments are registered on the Federal Register of Legislation under the *Legislation Act 2003*. See <https://www.legislation.gov.au>.