



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

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AMSA MO 2018/2

**Marine Order 97 (Marine pollution prevention — air pollution) Amendment  
Order 2018**

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I, Michael Kinley, 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*.

23 February 2018

**Michael Kinley**  
Chief Executive Officer

**1 Name of Order**

This Order is *Marine Order 97 (Marine pollution prevention — air pollution) Amendment Order 2018*.

**2 Commencement**

This Order commences on 1 March 2018.

**3 Amendment of *Marine Order 97 (Marine pollution prevention — air pollution) 2013***

Schedule 1 amends *Marine Order 97 (Marine pollution prevention — air pollution) 2013*.

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## Schedule 1 Amendment

[1] **Section 6, after definition of *EIAPP certificate (or engine international air pollution prevention certificate)***

*insert*

*FPSO* has the same meaning as in *Marine Order 60 (Floating offshore facilities) 2001*.

*FSU* has the same meaning as in *Marine Order 60 (Floating offshore facilities) 2001*.

[2] **Section 6, after definition of *IEE certificate (or international energy efficiency certificate)***

*insert*

*MODU* has the same meaning as in *Marine Order 47 (Mobile offshore drilling units) 2012*.

[3] **Section 6, after definition of *ship energy efficiency management plan (or SEEMP)***

*insert*

*statement of compliance* means a Statement of Compliance — Fuel Oil Consumption Reporting that is:

- (a) for a regulated Australian vessel — issued under Division 2A; or
- (b) for a foreign vessel — mentioned in paragraphs 6 and 7 of Regulation 6 of Annex VI.

[4] **Section 6, note 1**

*omit*

- MARPOL

*insert*

- MARPOL
- national law

[5] **Section 6, note 2**

*omit*

- AMSA

*insert*

- AMSA
- foreign vessel

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**[6] Section 8**

*substitute*

**8 Application**

- (1) This Order applies to a vessel that is:
  - (a) a regulated Australian vessel; or
  - (b) a foreign vessel; or
  - (c) a recreational vessel; or
  - (d) a domestic commercial vessel.
- (2) However, this Order does not apply to a vessel that is owned or operated by a country other than Australia and used, for the time being, on government non-commercial service.
- (3) Also, the following provisions do not apply to a foreign vessel or a recreational vessel that does not have Australian nationality:
  - (a) section 9;
  - (b) Division 2;
  - (c) Division 2B, apart from sections 20B and 20C;
  - (d) subsections 22(3) and (6);
  - (e) section 25;
  - (f) Division 6;
  - (g) sections 31 to 34;
  - (h) section 37.
- (4) For this Order, Annex VI is taken to apply to a vessel that is owned and operated by the Commonwealth and is used, for the time being, on government non-commercial service.

*Note* The application of this Order is subject to subsection 33(2) of the Pollution Prevention Act and section 12 of the Navigation Act. Those provisions have the effect that parts of this Order that give effect to parts of MARPOL do not apply to certain vessels in an area if a law of a State or the Northern Territory or the national law gives effect to the same parts of MARPOL for vessels in the area.

**[7] After section 9**

*insert*

**9A Review of decisions**

A decision under section 20E is a reviewable decision for section 17 of *Marine Order 1 (Administration) 2013*.

**[8] Subsection 11(2)**

*omit*

section 18

*insert*

section 17

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**[9] Subsection 11(2), note**

*omit*

Section 18

*insert*

Section 17

**[10] After Division 2**

*insert*

**Division 2A Certificate requirements for foreign vessels**

**20A Requirements for foreign vessels**

- (1) Subsection (2) applies to a foreign vessel and a recreational vessel that does not have Australian nationality.
- (2) A vessel to which Annex VI applies must comply with the requirements of Annex VI that apply to the vessel and have the certificates that it is required to have according to Regulations 5 and 6 of that Annex.

**Division 2B Fuel Oil Consumption Reporting**

**20B Application of this Division**

- (1) This Division applies to a vessel that is engaged on an overseas voyage.
- (2) However, section 20C applies to a foreign vessel whether or not it is engaged on an overseas voyage.
- (3) This Division does not apply to:
  - (a) a vessel that is propelled by a means other than mechanical; and
  - (b) a platform, including a FPSO, a FSU and a MODU.

*Note* For a new vessel engaged on overseas voyages or a vessel not normally engaged on overseas voyages that is required to undertake a single overseas voyage, see the AMSA website for guidance material on the application of the requirements of this Division:  
<http://www.amsa.gov.au>.

**20C Requirement for statement of compliance**

- (1) A vessel that is at least 5000 GT must have:
  - (a) a statement of compliance in accordance with Annex VI; or
  - (b) for a vessel whose flag State is not a party to Annex VI — documentary evidence issued by or on behalf of the Administration of that State that the vessel complies with the requirements of the State for the reporting of fuel oil consumption.

*Note* Annex VI requires a statement of compliance for a vessel only after data has been collected for a calendar year and submitted to the vessel's Administration.

- (2) A statement of compliance must be kept on board the vessel while it remains valid.

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## **20D Fuel oil consumption data**

The owner of a vessel that is at least 5000 GT must collect and give to an issuing body fuel oil consumption data in accordance with Regulation 22A of Annex VI.

*Note* Under Regulation 22A of Annex VI, the requirement to collect data applies from the commencement of calendar year 2019.

## **20E Application for statement of compliance**

The owner of a vessel mentioned in section 20D may apply to an issuing body for the issue of a statement of compliance.

## **20F Issue of statement of compliance**

- (1) An issuing body may issue a statement of compliance if:
  - (a) an application has been made; and
  - (b) fuel oil consumption data has been collected for the vessel in accordance with Regulation 22A of Annex VI and the issuing body is satisfied that the data has been verified as required by that Regulation.
- (2) A statement of compliance remains valid in accordance with paragraph 12 of regulation 9 of Annex VI.

## **20G Form of statement of compliance**

A statement of compliance must be in the form set out in Appendix X to Annex VI.

## **[11] Section 26, note**

*omit*

48 of *Marine Order 31 (Vessel surveys and certification) 2015*.

*insert*

23A of *Marine Order 1 (Administration) 2013*.

## **[12] Section 29**

*omit*

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.

*insert*

2016 *Guidelines for the development of a ship energy efficiency management plan*, adopted by IMO resolution MEPC.282(70) and as amended from time to time.

## **[13] Further amendments**

The following provisions are amended by omitting ‘, as in force from time to time’ and inserting ‘and as amended from time to time’:

- section 15, note
- section 22, paragraph (b) of the note
- section 27, note

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- section 28, note.

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**Note**

1. 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>.