



Australian Government

Australian Maritime Safety Authority

MARINE ORDERS

Part 35

Additional safety measures for bulk carriers

Issue 2

Order No. 2 of 2006

Pursuant to subsection 425(1AA) of the *Navigation Act 1912*, I hereby make this Order repealing Marine Orders, Part 35, Issue 1, and issuing the attached Marine Orders, Part 35, Issue 2, to come into operation on 1 July 2006.

Clive Davidson
Chief Executive Officer

29 May 2006

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1 Purpose & power

1.1 Purpose

This Part of Marine Orders gives effect to Chapter XII of SOLAS,¹ which provides structural, stability and other requirements for bulk carriers, in addition to the applicable requirements of other chapters.

1.2 Power

1.2.1 Section 191 of the Navigation Act provides for regulations to make provision for or in relation to giving effect to SOLAS.

1.2.2 Subsection 425(1) of the Navigation Act 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.

1.2.3 Subsection 425(1AA) of the Navigation Act provides that AMSA may make orders with respect to any matter for or in relation to which provision may be made by regulation.

2 Definitions of words and phrases used in this Part

AMSA means the Australian Maritime Safety Authority established by the *Australian Maritime Safety Authority Act 1990*;

General Manager means the person occupying the position of General Manager, Maritime Operations, in AMSA;

IMO means the International Maritime Organization;

Manager, Ship Inspections, means the person occupying the position of Manager, Ship Inspections, in AMSA or, in respect of any particular purpose under this Part, a suitably qualified person authorised by the Manager, Ship Inspections, for that purpose;

Navigation Act means the *Navigation Act 1912*;

penal provision means a penal provision for the purposes of Regulation 4 of the Navigation (Orders) Regulations;²

¹ The current text of Chapter XII is to be found in IMO Resolution MSC.170(79).

SOLAS means the Safety Convention as defined in the Navigation Act.

3 Interpretation

3.1 Unless otherwise provided, a word or phrase defined in Chapter XII of SOLAS has the same meaning for the purposes of this Part.

3.2 In this Part, a reference to the date on which a ship was constructed means the date on which not less than 50 tonnes or one per cent of the proposed total mass of the structural material of the ship, whichever is the less, has been assembled.

3.3 A reference to **the Administration** in Chapter XII of SOLAS, an IMO resolution or document referred to in this Part is to be read as a reference to the Manager, Ship Inspections.³

3.4 In this Part:

- (a) headings and subheadings are part of the Part;
- (b) a footnote is not part of the Part, but may provide additional information or guidance in applying the Part.

4 Application

Unless otherwise provided, this Part applies to and in relation to a ship to which Chapter XII of SOLAS applies that is:

- (a) a ship registered in Australia; or
- (b) a ship registered in a country other than Australia that is in the territorial sea of Australia or waters on the landward side of the territorial sea.

² Subregulation 4(1) of the Navigation (Orders) Regulations provides that a person who fails to comply with a provision of an order made under subsection 425(1AA) of the Navigation Act that is expressed to be a penal provision is guilty of an offence and is punishable by:

- (a) if the offender is an individual—a fine not exceeding 20 penalty units; or
- (b) if the offender is a body corporate—a fine not exceeding 50 penalty units.

By virtue of section 4AA of the *Crimes Act 1914*, a penalty unit is currently \$110.

³ Copies of IMO Resolutions or other documents referred to in this Part are available from AMSA.

5 Exemptions and equivalents⁴

5.1 Exemptions

The Manager, Ship Inspections, if satisfied that compliance by a ship or class of ships with a provision of this Part would be unnecessary or unreasonable having regard to the ship or class of ships, equipment and intended voyage or voyages, may exempt that ship or class of ships from compliance with such provision to the extent specified and subject to such conditions as that officer thinks fit.

5.2 Equivalents

Where a provision of this Part requires a particular fitting, material, appliance or apparatus, or type thereof to be fitted or carried in a ship or a particular provision to be made in a ship, the Manager, Ship Inspections, may allow any other fitting, material, appliance or apparatus, or type thereof, to be fitted or carried, or any other provision to be made, if that officer is satisfied that the other fitting, material, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by that provision of this Part.

5.3 Exemptions and equivalents not to contravene SOLAS

The Manager, Ship Inspections, must not give an exemption under 5.1 or allow an equivalent under 5.2 if it would contravene SOLAS.

6 Review of decisions

6.1 Internal review

6.1.1 If the Manager, Ship Inspections, makes a decision under this Part, a person affected by the decision may, within 3 months of the date of notification of the decision or such longer period as determined by the General Manager, apply to the General Manager for review of that decision.

6.1.2 An application for internal review under 6.1.1 must be made in writing to the General Manager and must be accompanied by such information as the General Manager requires to enable the decision to be properly reviewed.

⁴ Applications for modifications or exemptions should be made to the Manager, Ship Inspections, and should be accompanied by relevant information. The Manager, Ship Inspections, may seek additional information to assist in reaching a decision.

6.1.3 The General Manager may:

- (a) affirm the original decision by the Manager, Ship Inspections; or
- (b) make any decision that could be made by the Manager, Ship Inspections, in accordance with this Part.

6.1.4 The General Manager must notify his or her decision in writing to the applicant within 28 days of receiving the application for internal review.

6.2 Review by the AAT

6.2.1 Application may be made to the Administrative Appeals Tribunal for review of a decision by the General Manager under 6.1.3.

6.2.2 The notice under 6.1.4 must include:

- (a) a statement to the effect that, if the person is dissatisfied with the decision, application may, subject to the *Administrative Appeals Tribunal Act 1975*, be made to the Administrative Appeals Tribunal for review of the decision; and
- (b) a statement to the effect that the person may request a statement under section 28 of that Act.

6.2.3 Failure to comply with 6.2.2 in relation to a decision does not affect the validity of that decision.

7 Requirements

7.1 Application of Chapter XII of SOLAS

Chapter XII of SOLAS must be complied with in relation to a bulk carrier.

7.2 Additional requirements and amplifications

7.2.1 A person must not load a ship to which Regulation 6 of Chapter XII of SOLAS applies with solid bulk cargo of a density of 1780 kg/m^3 or more unless the ship complies with that Regulation.

This is a penal provision

7.2.2 A person must not load a ship to which Regulation 7 of Chapter XII of SOLAS applies with solid bulk cargo of a density of 1780 kg/m^3 or more unless the ship complies with that Regulation.

This is a penal provision

7.2.3 Where a solid bulk cargo of a density of 1780 kg/m³ or more is to be shipped, that information must be included in the notice to be provided under Provision 7 of Marine Orders, Part 34.

7.2.4 A bulk carrier of single-side skin construction must comply with requirements detailed in the following documents published by the International Association of Classification Societies:

- (a) Longitudinal strength of hull girder in flooded condition for single side skin bulk carriers;
- (b) Evaluation of allowable hold loading for single side skin bulk carriers considering hold flooding;
- (c) Evaluation of scantlings of corrugated transverse watertight bulkheads in single side skin bulk carriers considering hold flooding.

7.2.5 A bulk carrier constructed before 1 July 1999 must comply with the following Annexes to SOLAS/CONF.4/25, Resolution 4, published by IMO:

Annex 1: *Standards for the evaluation of scantlings of the transverse watertight vertically corrugated bulkhead between the two foremost cargo holds*

Annex 2: *Standards for the evaluation of allowable hold loading of the foremost cargo hold*

7.2.6 If an Australian registered ship is fitted with a hull stress monitoring system, it must comply with the specifications in MSC/Circ.646, published by IMO.

7.2.7 An Australian registered ship constructed on or after 1 July 1999, irrespective of size, must comply with the standards for access to tanks, holds and ballast spaces set out in MSC/Circ.686, published by IMO, and any reference to a tanker in that document is to be read as applying equally to a bulk carrier. An Australian registered ship constructed before 1 July 1999 must comply if repairs or modifications are carried out that make compliance reasonably practical.

7.2.8 An Australian registered ship must comply with the standards for the approval of loading instruments set out in MSC/Circ.836, published by IMO.

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