



# *MARINE ORDERS*

## *Part 94*

### *Marine Pollution Prevention— Packaged Harmful Substances*

#### *Issue 3*

Order No. 9 of 2001

Pursuant to section 425(1AA) of the *Navigation Act 1912* and section 34(1) of the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*, I hereby make this Order repealing Marine Orders Part 94, Issue 2, and issuing the attached Marine Orders Part 94, Issue 3, to come into operation on 22 October 2001.

Clive Davidson  
Chief Executive Officer  
15 October 2001

## Table of Contents

- 1 Purpose
  - 2 Definitions of words and phrases used in this Part
  - 3 Interpretation
  - 4 Application
  - 5 Convention requirements
  - 6 Prescribed matters
- Appendix Marine Pollutants Report Form

### *Previous issues*

Issue 1, Order No.12 of 1994

Issue 2, Order No.7 of 1998

## 1 Purpose

**1.1** Section 267ZC of the Navigation Act provides that the regulations may make provision for and in relation to giving effect to Regulations 1 to 6 (inclusive) of Annex III of MARPOL. Subsection 425(1) of that Act provides for regulations to be made prescribing matters requiring 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** Paragraph 33(1)(a) of the Pollution Prevention Act provides for regulations to be made prescribing matters:

- requiring or permitted to be prescribed; or
- necessary or convenient to be prescribed for carrying out or giving effect to the Act; or
- for and in relation to giving effect to MARPOL, other than provisions of MARPOL to which effect is given by a provision of the Act.

**1.3** Subsection 425(1AA) of the Navigation Act and subsection 34(1) of the Pollution Prevention Act provide that AMSA may make orders with respect to any matter for or in relation to which provision may be made by regulation. This Part of Marine Orders therefore gives effect to Regulations 1 to 6 (inclusive) of Annex III of MARPOL, and prescribes matters for the purposes of Division 12B of Part IV of the Navigation Act and Part IIIA of the Pollution Prevention Act.

## 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*;

**Annex III** means Annex III to MARPOL;

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

**harmful substance** means a substance which is identified as a marine pollutant in the IMDG Code;<sup>1</sup>

**IMDG Code** means the International Maritime Dangerous Goods Code published by IMO;

**IMO** means the International Maritime Organization;

**MARPOL** has the same meaning as 'the Convention' in the Pollution Prevention Act;<sup>2</sup>

**packaged form** means a form of containment specified for harmful substances in the IMDG Code;

**the Navigation Act** means the *Navigation Act 1912*; and

**the Pollution Prevention Act** means the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*.

### 3 Interpretation

In this Part:

- headings and sub-headings are part of the Part;
- the Appendix is part of the Part;
- a footnote is not part of the Part.

### 4 Application

Subject to subsection 33(2A) of the Pollution Prevention Act and subsection 267ZB(2) of the Navigation Act, this Part applies to and in relation to a ship:

- to which the Convention is expressed to apply; or
- used, for the time being, on government non-commercial service.

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<sup>1</sup> Guidelines for the identification of harmful substances are set out in the Appendix to Annex III.

<sup>2</sup> MARPOL is to be found in a Consolidated Edition, 1997, published by IMO, and has been revised by IMO Resolutions MEPC.68(38), MEPC.75(40), MEPC 78(43), MEPC 84(44), MEPC 89(45) and MEPC.95(46).

## **5 Convention requirements**

**5.1** By virtue of subsection 267ZC of the Navigation Act, regulations 1 to 6 (inclusive) of Annex III have the force of law as part of the law of the Commonwealth.

**5.2** For the purposes of paragraph 3 of regulation 4 of Annex III, AMSA is the designated organisation.<sup>3</sup>

## **6 Prescribed matters**

### **6.1 Washing substances overboard**

For the purposes of subsections 26AB(6) and 26B(11) of the Pollution Prevention Act, a substance is to be taken to have been washed overboard in accordance with the orders if the person who authorises the washing overboard, after considering the physical, chemical and biological properties of the substance, reasonably believes that washing overboard is the most appropriate manner of disposal.

### **6.2 Prescribed officer**

For the purposes of section 26B of the Pollution Prevention Act, the General Manager, Marine Environment Protection Services, in AMSA is a prescribed officer.

### **6.3 Prescribed manner of notifying an incident**

For the purposes of subsections 26B(3) and 26B(5) of the Pollution Prevention Act, an incident is notified in the prescribed manner if it is notified by:

- a telephone message; or
- a facsimile message; or
- a telex message; or
- a radio message,

conveyed either direct to the prescribed officer or through the Australian Search and Rescue Centre in AMSA, being a message that commences with the code letters POLREP and the name and radio call-sign of the ship.

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<sup>3</sup> A copy of the stowage plan required by paragraph 3 of Regulation 4 should be given to the surveyor in charge of marine surveys for AMSA at the port of loading. If no such surveyor is located at the port of loading, the plan should be given to AMSA's surveyor at the nearest survey office to the port of loading.

## **6.4 Prescribed form—marine pollutants report**

**6.4.1** For the purposes of subsections 26B(8) and 26B(9) of the Pollution Prevention Act, the prescribed form for a marine pollutants report is the form set out in the Appendix.

**6.4.2** Where a time is required to be specified in a marine pollutants report, it must be expressed in Universal Co-ordinated time.

## **6.5 Prescribed time for furnishing a report**

For the purposes of subsections 26B(8) and 26B(9) of the Pollution Prevention Act, the period of 24 hours immediately following receipt of a request for a report is the prescribed time.

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## Appendix

### Marine Pollutants Report Form

When reporting discharge or potential discharge of a marine pollutant in a packaged form, the following information is to be provided. Sections which are inapplicable or inappropriate need not be included.

**A Ship**

name

call sign/ship station identity

flag

**B Date & time of event**

*Note: Time must be expressed as Universal Co-ordinated Time*

**Position**

**C latitude and longitude**

*or*

**D true bearing and distance**

**M Radio communications**

full names of stations

**P Probable discharge**

1. Correct technical name or names of goods
2. UN number or numbers
3. IMO hazard class or classes
4. Names of manufacturers of goods, *or* consignee, *or* consignor
5. Types of packages, including identification marks

*specify whether portable tank, freight container or other cargo transport container, including official registration marks and numbers assigned to the unit.*

6. An estimate of the quantity and likely condition of the goods

**Q Condition of ship**

1. Condition of ship
2. Ability to transfer cargo/ballast/fuel

**R Discharge**

1. Correct technical name or names of goods
2. UN number or numbers
3. IMO hazard class or classes
4. Names of manufacturers of goods, *or* consignee, *or* consignor
5. Types of packages, including identification marks

*specify whether portable tank, freight container or other cargo transport container, including official registration marks and numbers assigned to the unit.*

6. An estimate of the quantity and condition of the goods
7. Whether lost goods floated or sank
8. Whether loss is continuing
9. Cause of loss

**S Weather conditions**

*Give brief details of weather and sea conditions prevailing*

**T Contact details**

Name, address, telephone number and facsimile or telex number of the ship's owner and representative

**U Ship size and type-**

**X Action**

1. Action being taken with regard to the discharge and to the movement of the ship.
2. Assistance or salvage efforts which have been requested or which have been provided by others.
3. The master of an assisting or salvaging ship should report the particulars of the action undertaken or planned.

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