

**EXPLANATORY NOTES**  
**Marine Orders Part 12**  
**Construction – Subdivision & stability, machinery and electrical**  
**installations**  
**Issue 2 — Amendment**  
**Order No 6 of 2008**

**Purpose**

1. Marine Orders Part 12 — *Construction — Subdivision & stability, machinery and electrical installations*:
  - gives effect to Chapter II-1 of the *International Convention for the Safety of Life at Sea, 1974* ('SOLAS');
  - specifies requirements for the structure, subdivision, stability, machinery and electrical installations for SOLAS and non-SOLAS ships and
  - gives effect to the International Maritime Organization ('IMO') guidelines with respect to the design and construction of off-shore supply vessels.
2. The purpose of the Marine Orders Part 12, Issue 2 – Amendment, is to give effect to:
  - the amendment of Chapter II-1 of SOLAS by Annex 1 to IMO resolution MSC.216 (82); and
  - the adoption of the *Guidelines for the design and construction of offshore supply vessels, 2006* by IMO resolution MSC.235 (82).
3. The amendments made by Annex 1 to IMO resolution MSC.216 (82) and IMO resolution MSC.235 (82) come into force on 1 July 2008. To give effect to these resolutions, Marine Orders Part 12 Amendment commences on 1 July 2008.

**Power**

4. Part IV of the *Navigation Act 1912* ('the Act') provides for ships and shipping. Sections 190B, 191 and 192B of the Act are found in Part IV. Section 283D of the Act is found in Part VB of the Act. Part VB of the Act provides for off-shore industry vessels and off-shore industry mobile units.
5. Paragraph 190B (1) (a) of the Act provides that regulations may specify requirements for the construction, hull, equipment and machinery of ships.
6. Subsection 191 (1) of the Act provides for regulations to make provision for or in relation to giving effect to SOLAS.
7. Section 192B of the Act provides that the regulations may provide for or in relation to the carrying on a ship of information in respect of the ship's stability and may also specify tests or other data in relation to the stability of the ship.
8. Subsection 283D (1) of the Act provides that the regulations may provide for or in relation to off-shore industry vessels.
9. Subsection 425 (1) of the Act empowers the Governor-General to make regulations necessary or convenient for carrying out or giving effect to the Act.

10. Subsection 425 (1AA) of the Act provides that the Australian Maritime Safety Authority ('AMSA') may make orders with respect to any matter mentioned in, amongst other Parts, Parts IV and VB of the Act for or in relation to which regulations may be made.
11. Marine Orders, Part 12, Issue 2 - Amendment, is empowered by, and made pursuant to, subsection 425 (1AA) of the Act.

### **Consultation**

12. In addition to providing a copy of the draft Marine Orders Part 12, Issue 2, Amendment, on AMSA's website, a copy was provided to the following organisations for comment:
  - American Bureau of Shipping;
  - Australian Shipowners Association;
  - Bureau Veritas;
  - China Classification Society;
  - Department of Infrastructure, Transport, Regional Development and Local Government;
  - Det Norske Veritas;
  - Germanischer Lloyd;
  - Lloyd's Register;
  - National Marine Safety Committee;
  - Nippon Kaiji Kyokai;
  - Shipping Australia Limited.

### **Overview**

13. Marine Orders Part 12, Issue 2, Amendment, gives effect to:
  - the amendment of Chapter II-1 of SOLAS by Annex 1 to IMO resolution MSC.216 (82) which extends the requirements for coating of all dedicated seawater ballast tanks in ships and double-sided skin spaces in bulk carriers that are 150 metres or more in length; and
  - the adoption of the *Guidelines for the design and construction of offshore supply vessels, 2006* by IMO resolution MSC.235 (82), which supersedes the previous version of the Guidelines that was adopted by IMO resolution A.469 (XII).
14. The opportunity has also been taken to replace the footnotes mentioned in Marine Orders Part 15 with notes after the relevant provisions. This reflects current drafting practice and will enable future amendment of the text of a note to be easily identified and amended with minimal disruption to the Marine Orders Part.

## **Amendments commencing on 1 July 2008**

### **Provision 1**

15. Item [1] amends the heading of provision 1 by omitting the symbol ‘&’ and inserting the word ‘and’.

### **Provision 2, definition of *Manager, Ship Inspections***

16. Item [2] amends the definition of *Manager, Ship Inspections* by omitting the comma after the word ‘Inspections’. This will enable a comma to be inserted after the term if this appropriate in the context of where the term is used in the Marine Orders Part.

### **Provision 2, definition of *penal provision*, including footnote 1**

17. Item [3] amends the definition of *penal provision* in provision 2 by updating the reference to the *Navigation (Orders) Regulations 1980* so that it reflects current drafting practice. The definition is also amended by replacing footnote 1, which related to the definition, with a note. This amendment also reflects current drafting practice and will enable future amendments of the note to be facilitated with minimal disruption to the Marine Orders Part.

18. The note following the definition of *penal provision* amends the references to the number of penalty units that an individual and a body corporate may receive if found guilty of an offence, so that these accurately reflect subregulation 4 (1) of the *Navigation (Orders) Regulations 1980*.

### **Provision 2, definition of *SOLAS*, including footnote 2**

19. Item [4] amends the definition of *SOLAS* by replacing footnote 2 with a note that is inserted after the definition. The note provides details of the IMO resolutions that have amended *SOLAS* and sets out when the resolutions come into operation.

### **Provision 2, definitions of *survey authority, surveyor and the Guidelines*, including footnote 3**

20. Item [5] amends the definition of *survey authority* in provision 2 so that it is consistent with the definition of ‘survey authority’ that is found in the Act. The definition also replaces footnote 3, which set out the survey authorities approved by AMSA, with a note that provides a link to AMSA’s website where information can be obtained regarding these authorities.

21. Item [5] also amends the definition of *surveyor* by expanding the definition of that term so that it encompasses surveyors employed by survey authorities. This ensures that the definition of this term is consistent in each of the Marine Orders Parts.

22. Item [5] updates the reference to the IMO resolution that adopts the *Guidelines for the design and construction of offshore supply vessels, 2006* because the previous version of the Guidelines has been superseded.

### **Provision 2, after definition of *USL Code***

23. Item [6] inserts a note after the definition of *USL Code* in provision 2. The proposed note is currently referred to provision 3.2 as footnote 4 which is amended by item [7]. The footnote is repositioned at the end of provision 2 to be consistent with similar notes that are found in other Marine Orders Parts. The proposed note provides readers with information on how copies of IMO

documents may be obtained from AMSA. The proposed note also includes a link to AMSA's website and the e-mail address of the area responsible in AMSA for providing this information.

#### **Provisions 3.2 and 3.3, including footnote 4**

24. Item [7] amends provision 3.2 by omitting the reference to footnote 4. See item [6] for further information. Item [7] also amends provision 3.3 by inserting the word 'and' at the end of paragraph (a). The item also omits the words 'a footnote' and inserts the words 'a note' in paragraph (b). The amendment of paragraph (b) is necessary given the decision to replace footnotes with notes following the relevant provision.

#### **Provision 5, including footnote 5**

25. Items [8] and [9] amend the heading of provision 5 by omitting the symbol '&' and replacing footnote 5 with a note that is inserted after provision 5.3 by item [9]. This amendment reflects current drafting practice and will enable future amendments of the note to be facilitated with minimal disruption to the Marine Orders Part.

#### **Provision 6**

26. Item [10] amends provision 6.1.3 by replacing the bullet points with paragraphs. This amendment reflects current drafting practice and will enable future amendments of the note to be facilitated with minimal disruption to the Marine Orders Part.

#### **Provision 7, including footnotes 6, 7 and 8**

27. Item [11] amends provision 7.1.1 so that it refers to the most recent consolidated edition of SOLAS that has been published by the IMO. Further, the reference to footnote 6 in that provision is omitted. Footnote 6 is replaced by a proposed note that is inserted after the provision.

28. Provision 7.1.2 is revised to require a ship that is surveyed and certified in accordance with Mobile Offshore Drilling Units Code as set out in Marine Orders Part 47 is taken to comply with Chapter II-2 of SOLAS. This amendment reflects the wording of the relevant provision of SOLAS more closely.

29. Item [11] also inserts proposed provision 7.1.3 which is drafted in a similar manner to provision 7.1.2. Proposed provision 7.1.3, however, applies to high speed craft.

30. Proposed provision 7.1.4 inserts definitions for the terms 'High Speed Craft Code' and 'MODU Code'.

31. Item [12] amends provision 7.3 by omitting the references to footnotes 7 and 8 in that provision. Footnote 7 is replaced by a proposed note that is inserted after provision 7.3.1. Footnote 8, however, has been modified to address the amendment of Chapter II-1 of SOLAS by IMO resolution MSC.216 (82) and is converted to be proposed provision 7.3.2.

#### **Provision 8, including footnotes 9 and 10**

32. Item [13] amends provision 8.2 by replacing the bullet points with paragraphs. Further the references in that provision to footnotes 9 and 10 have been

omitted and these footnotes are 2 proposed notes that are inserted after provision 8.2. Each of the proposed notes identifies the provision to which it relates.

#### **Provision 9, including footnotes 11 and 12**

33. Item [14] amends provisions 9.1 and 9.2 by omitting the references to footnotes 11 and 12 and replacing these with 2 proposed notes that are inserted after provision 9.2. Each of the proposed notes identifies the provision to which it relates.

#### **Appendix 2, clause 7**

34. Item [15] amends clause 7.2.12 (a) of Appendix 2 by amending the paragraph so that it reflects the title and details of the IMO circular mentioned in that provision.

#### **Appendix 4, clause 9**

35. Item [16] amends clause 9.2 of Appendix 4 by inserting the proposed definition *competent person*. This term replaces that of *responsible person*.
36. Item [17] amends clause 9.2 of Appendix 4 by omitting the definition *responsible person* which has been replaced by the proposed definition *competent person*. See item [16] for further details.
37. Items [18] and [19] amend clauses 9.3.2, 9.3.3 and 9.4.1 (a) of Appendix 4 by replacing references in those clauses to the *responsible person* with *competent person* because of the amendment made by item [16].

#### **Further amendments — Manager, Ship Inspections**

38. Item [20] applies the amendment of the defined term '*Manager, Ship Inspections*,' to the provisions listed in the item. The word '*Inspections*,' is replaced with '*Inspections*' (without a comma) where this is appropriate in the context of the Marine Orders Part.

Australian Maritime Safety Authority  
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