



# *MARINE ORDERS*

## *Part 42*

### *Cargo stowage & securing*

## *Issue 1*

Order No 1 of 1998

Pursuant to Section 425(1AA) of the *Navigation Act 1912*, I hereby make this Order issuing the attached Marine Orders, Part 42, Issue 1 to come into operation on 16 February 1998.

P J Quirk  
Acting Chief Executive  
15 January 1998



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## 1 Interpretation

1.1 In this Part, unless the contrary intention appears, the following definitions apply:

approved means:

- (a) in respect of an Australian ship— approved by the Chief Marine Surveyor or a survey authority;

**Note:** *The following survey authorities are approved for Australian ships:*

*American Bureau of Shipping*

*Bureau Veritas*

*Det Norske Veritas*

*Germanischer Lloyd*

*Lloyd's Register of Shipping*

*Nippon Kaiji Kyokai*

- (b) in respect of a ship registered in a country other than Australia—approved by or on behalf the Administration of that country;

**AMSA** means the Australian Maritime Safety Authority;

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

**CSS Code** means the *Code of Safe Practice for Cargo Stowage and Securing* (including the Annexes and Appendixes thereto), published by the IMO;

**IMO** means the International Maritime Organization;

**on deck** includes on top of hatch covers;

**prescribed person** means:

- (a) the surveyor in charge of marine surveys for AMSA in the State or Territory in which the port is situated; or
- (b) the surveyor in charge of marine surveys for AMSA at the port of loading or, if there is none, at any convenient adjacent port;

**ro-ro cargo space** means a space not normally subdivided in any way and extending either a substantial length or the entire length of the ship in which goods (packaged or in bulk, in or on rail or road cars, vehicles (including road or rail tankers), trailers, containers, pallets, demountable tanks or in or on similar stowage units or other receptacles) can be loaded and unloaded normally in a horizontal direction; and

**TDC Code** means the *Code of Safe Practice for Ships Carrying Timber Deck Cargoes, 1991* (including the Appendixes thereto), published by the IMO.

**1.2** In this Part, unless otherwise provided or unless the context otherwise requires, words and phrases have the same meaning as they have in the CSS Code or TDC Code, as appropriate.

**1.3** In this Part:

- (a) headings and sub-headings are a part of the Part;
- (b) each Appendix is part of the Part;
- (c) a note not included in the text and printed in italics is not part of the Part.

## **2 Purpose & application**

### **2.1 Purpose**

This Part:

- (a) for the purposes of section 191 of the Navigation Act, gives effect to Regulation 22 of Chapter V and Part A of Chapter VI of the Safety Convention;
- (b) for the purposes of section 257 of the Navigation Act, generally makes provision for the stowing and securing of cargoes.

### **2.2 Application**

**2.2.1** This Part applies to:

- (a) the stowing and securing of cargoes in:
  - (i) a ship registered in Australia; or
  - (ii) a ship registered in a country other than Australia that is in the territorial sea of Australia or in waters on the landward side of the territorial sea; and
- (b) a container or vehicle packed or being packed for transport on a ship referred to in (a).

**2.2.2** This Part does not apply to solid, liquid or gaseous bulk cargoes.

## **3 Equivalentents & exemptions**

### **3.1 Equivalentents**

If a provision of the CSS Code, the TDC Code or this Part requires a particular fitting, material, appliance or apparatus or type thereof to be fitted or carried in a ship, or

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particular provision to be made in relation to a ship or its equipment or in relation to a cargo, the Chief Marine Surveyor may, upon written request, allow a modification or variation of that requirement if satisfied that the fitting, material, appliance or apparatus or type thereof or other provision so allowed is at least as effective as that required by the CSS Code, the TDC Code or this Part.

### **3.2 Exemptions**

The Chief Marine Surveyor will, upon written request, if satisfied that compliance with a requirement of the CSS Code, the TDC Code or this Part would in a particular case be unreasonable or impracticable, allow exemption in relation to a ship or a cargo from compliance with such requirement or provision to such extent and subject to such conditions as that officer determines.

## **4 Review of decisions**

### **4.1 Application to the Administrative Appeals Tribunal**

Application may be made to the Administrative Appeals Tribunal for a review of a decision:

- (a) by the Chief Marine Surveyor not to allow a modification or variation under 3.1;
- (b) by the Chief Marine Surveyor not to allow exemption in relation to a ship or cargo under 3.2;
- (c) by the Chief Marine Surveyor not to approve a Cargo Securing Manual for the purposes of 9.6.1;
- (d) by the Chief Marine Surveyor that the Cargo Securing Manual, the CSS Code or the TDC Code insufficiently provides for the safety of persons or for the proper of carriage of cargo under 10.1 or 10.2;
- (e) by the Chief Marine Surveyor to require additional information under 11.2.

### **4.2 Statements to accompany decisions**

A person making a decision referred to in this Part may give to a person whose interests are affected by the decision a notice in writing of the decision. The notice must:

- (a) include 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;
- (b) except where subsection 28(4) of that Act applies, also include a statement to the effect that the person may request a statement under Section 28 of that Act.

### 4.3 Validity of decisions

Failure to comply with 4.2 in relation to a decision does not affect the validity of that decision.

## 5 Offences

Provisions 8, 9.5, 9.6.1, 11.1.3 and 14 are penal provisions.

*Note: Regulation 4 of the Navigation (Orders) Regulations provides:*

*'4. A person who contravenes a provision of an order made under subsection 425(1AA) of the Act that is expressed to be a penal provision is guilty of an offence and is punishable on conviction:*

- (a) if the offender is a natural person—by a fine not exceeding \$2,000; or*
- (b) if the offender is a body corporate—by a fine not exceeding \$5,000.*

## 6 Notice of intention to ship cargo

At least 48 hours before commencing to load into a ship at a port in Australia:

- (a) a timber deck cargo; or*
- (b) any large item that will project over the ship's side; or*
- (c) any single item of more than 100 tonnes mass; or*
- (d) containers on deck more than one high where the ship is not specially designed and fitted for the purpose of carrying containers on deck, unless stowed in accordance with an approved container securing plan,*

the owner, master or agent of the ship must furnish to the prescribed person for the port of loading a signed notice containing details of:

- (e) the name and IMO number of the ship;*
- (f) the port and berth of loading;*
- (g) the identity or type, and approximate quantity of, the cargo to be loaded; and*
- (h) in the case of (b) and (c), the shipper of the cargo,*

unless the prescribed person allows a shorter period of notice

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## 7 Information for master

### 7.1 Requirement for information

**7.1.1** Subject to 7.2, before commencement of loading of cargo at a port in Australia, the shipper of that cargo must provide to the master or the master's representative appropriate information on the cargo sufficiently in advance of loading to enable the precautions which may be necessary for proper stowage and safe carriage of the cargo to be put into effect.

**7.1.2** The information in 7.1.1 must be confirmed in writing and by appropriate shipping documents prior to loading the cargo on the ship.

*Note: A suitable form for provision of information to the master is in the Appendix.*

**7.1.3** The cargo information is to include:

- (a) a general description of the cargo;
- (b) the gross mass of the cargo or of the cargo units;
- (c) any relevant special properties of the cargo; and
- (d) the information specified in sub-chapter 1.9 of the CSS Code.

### 7.2 Verification of mass before loading

Prior to loading cargo units on board a ship, the shipper must ensure that the gross mass of such units is in accordance with the gross mass declared on the shipping documents.

## 8 Stowage & securing—responsibility

A person must not in any way:

- (a) load cargo on to a ship; or
- (b) stow cargo on a ship; or
- (c) secure cargo on a ship,

except in accordance with this Part.

## 9 Stowage & securing—requirements [SOLAS VI/5]

### 9.1 Loading, stowing and securing of cargo & cargo units

Cargo and cargo units carried on or under deck must be so loaded, stowed and secured as to prevent as far as is practicable, throughout the voyage, damage or hazard to the ship and the persons on board, and loss of cargo overboard.

### 9.2 Packing and securing of cargo within cargo units

Cargo carried in a cargo unit must be so packed and secured within the unit as to prevent, throughout the voyage, damage or hazard to the ship and the persons on board.

*Note: Attention is drawn to the joint IMO/ILO/UN ECE Guidelines for Packing of Cargo Transport Units (CTUs), published by IMO as MSC/Circ.787.*

### 9.3 Abnormal cargoes

Appropriate precautions must be taken during the loading and transport of heavy cargoes or cargoes with abnormal physical dimensions to ensure that no structural damage to the ship occurs and to maintain adequate stability throughout the voyage.

### 9.4 Ro-ro ships

Appropriate precautions must be taken during the loading and transport of cargo units on board ro-ro ships, especially with regard to the securing arrangements on board such ships and on the cargo units and with regard to the strength of the securing points and lashings.

*Note: Attention is drawn to MSC Circular 812—Amendment to the Guidelines for Securing Arrangements for the Transport of Road Vehicles on ro-ro Ships (Resolution A.581(14) and the Code of Safe Practice for Cargo Stowage and Securing (Resolution A.714(17)).*

### 9.5 Loading of containers

Containers must not be loaded to more than the maximum gross weight indicated on the Safety Approval Plate under Marine Orders, Part 44 (Safe Containers).

## 9.6 Cargo Securing Manual

**9.6.1** A ship, other than a ship solely carrying passengers, bulk solid, liquid or gaseous cargoes, must carry an approved Cargo Securing Manual prepared in accordance with the *Guidelines for the Preparation of the Cargo Securing Manual*, published by IMO.

**9.6.2** Cargo units, including containers, must be loaded, stowed and secured throughout the voyage in accordance with the ship's approved Cargo Securing Manual. Where the Cargo Securing Manual does not adequately provide for a particular cargo, that cargo must be properly loaded, stowed and secured, taking into account the provisions of the CSS or TDC Codes, as appropriate.

**9.6.3** In a ship with ro-ro cargo spaces, all securing of cargo units, in accordance with the Cargo Securing Manual, must be completed before the ship leaves the berth.

*Note: Provision 9.6.3 does not prevent movement of a ship within the limits of a port, for instance shifting berth or proceeding to a safe anchorage.*

## 10 Unsafe or inadequate arrangements

### 10.1 Cargo characteristics

If, in relation to a particular cargo, it appears to the Chief Marine Surveyor that the Cargo Securing Manual, the CSS Code or the TDC Code insufficiently provides for the safety of persons or for the proper carriage of the cargo, the cargo must not be loaded, stowed or carried in a ship except in accordance with such additional precautions as the Chief Marine Surveyor determines to be necessary.

### 10.2 Ship characteristics

If, in relation to a particular ship, it appears to the Chief Marine Surveyor that the Cargo Securing Manual, the CSS Code or the TDC Code insufficiently provides for the safety of persons or for the proper carriage of a particular cargo, that cargo must not be loaded, stowed or carried in that ship except in accordance with such additional precautions as the Chief Marine Surveyor determines to be necessary.

## 11 Inspections and additional information

### 11.1 Compliance inspections

**11.1.1** A surveyor may at any time inspect a ship loading or to be loaded with cargo, the loading arrangements of the ship and the prescribed information relating to the cargo, and its carriage, to ascertain compliance with this Part.

**11.1.2** If the surveyor referred to in 11.1.1 determines that there is not compliance with this Part, a surveyor may at any time make such further inspection or inspections as necessary to ascertain compliance.

**11.1.3** A surveyor must be given such access to a ship as is necessary for the purposes of 11.1.1 and 11.1.2.

### 11.2 Insufficient information

If it appears to the Chief Marine Surveyor that the information furnished in relation to a particular cargo does not establish that the cargo can be loaded and carried in a ship without danger to the ship or any person on the ship, the Chief Marine Surveyor may require to be furnished with such additional information as will establish whether the cargo can be loaded and carried without danger.

## 12 Safety on deck

Cargo must not be stowed on the deck of a ship unless:

- (a) clear access is provided between every exit from passenger or crew accommodation and every life-saving appliance;
- (b) clear access is provided between every exit from crew accommodation and every space required for the normal and emergency working of the ship;
- (c) accessways are at least 600 mm wide, of adequate height and kept free of obstruction at all times;
- (d) provision is made for adequate stability at all times during the voyage;
- (e) adequate access is provided for pilots;
- (f) adequate visibility is maintained from the bridge and all lookout positions; and
- (g) provision is made to prevent navigation lights from being obscured.

*Note: Reference should be made to IMO resolution A.708 - Guidelines on navigational bridge visibility and functions.*

## 13 Navigation bridge visibility

[SOLAS V/22]

**13.1** A ship of 45 metres or more in length, constructed on or after 1 July 1998, must meet the following requirements:

- (a) the view of the sea surface from the conning position must not be obscured by more than two ship lengths, or 500 metres, whichever is the less, forward of the bow to  $10^\circ$  on either side under all conditions of draught, trim and deck cargo;
- (b) no blind sector caused by cargo, cargo gear or other obstructions outside of the wheelhouse forward of the beam which obstructs the view of the sea surface as seen from the conning position, is to exceed  $10^\circ$ . The total arc of blind sectors is not to exceed  $20^\circ$ . The clear sectors between blind sectors must be at least  $5^\circ$ . However, in the view described in (a), each individual blind sector is not to exceed  $5^\circ$ ;
- (c) the horizontal field of vision from the conning position must extend over an arc of not less than  $225^\circ$ , that is from right ahead to not less than  $22.5^\circ$  abaft the beam on either side of the ship;
- (d) from each bridge wing the horizontal field of vision must extend over an arc of at least  $225^\circ$ , that is from at least  $45^\circ$  on the opposite bow through right ahead and then from right ahead to right astern through  $180^\circ$  on the same side of the ship;
- (e) from the main steering position the horizontal field of vision must extend over an arc from right ahead to at least  $60^\circ$  on each side of the ship;
- (f) the ship's side must be visible from the bridge wing;
- (g) the height of the lower edge of the navigation bridge front windows above the bridge deck must be kept as low as possible. In no case is the lower edge to present an obstruction to the forward view as described in this provision;
- (h) the upper edge of the navigation bridge front windows must allow a forward view of the horizon, for a person with a height of eye of 1,800 mm above the bridge deck at the conning position, when the ship is pitching in heavy seas;
- (i) windows must meet the following requirements:
  - (i) framing between navigation bridge windows must be kept to a minimum and not be installed immediately forward of any workstation;
  - (ii) to help avoid reflections, the bridge front windows must be inclined from the vertical plane top out, at an angle of not less than  $10^\circ$  and not more than  $25^\circ$ ;

- (iii) polarised and tinted windows must not be fitted; and
- (iv) at all times, regardless of weather conditions, at least two of the navigation bridge front windows must provide a clear view, and in addition, depending on the bridge configuration, an additional number of windows must provide a clear view.

**13.2** A ship constructed before 1 July 1998 must, where practicable, meet the requirements of 13.1(a) and (b). However, structural alterations or additional equipment are not required.

## **14 False or misleading information**

If a provision of the CSS Code, the TDC Code or other provision of this Part requires a person to furnish information in any form, that information must not contain a statement that is false or misleading in a material particular.

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## Appendix

### Shipper's Declaration

Note: This form is not applicable if the cargo to be loaded requires a declaration under the requirements of SOLAS 1974, Chapter VII/R5, MARPOL 73/78 Annex III/R4, and the IMDG Code General Introduction section 9.

This form meets the requirements of SOLAS 1974, Chapter VI, Reg 2, and the BC Code, section 4.1.

Shipper	Reference Number(s)
Consignee	Carrier
Name/means of transport Port/Place of departure	Instructions or other matters
Port/place of destination	
General description of the cargo (Type of material/particle size)*  * For solid bulk cargo	Gross mass (kg/tonnes) General cargo Cargo unit(s) Bulk cargo
Specification of bulk cargo (if applicable) Stowage factor Angle of repose Trimming procedures Chemical properties** if potential hazard  ** eg, IMO class, UN number or BC number and EmS number	
Relevant special properties of the cargo	Additional certificate(s) (if required) Certificate of moisture content and transportable moisture limit Weathering Certificate Exemption certificate Other (specify)
<b>DECLARATION</b> I hereby declare that the consignment is fully and accurately described and that the given test results and other specifications are correct to the best of my knowledge and belief and can be considered as representative for the cargo to be loaded.	Name/status, company/Organisation of signatory  Place and date  Signature on behalf of shipper.

As an aid to paper documentation, Electronic Data Processing (EDP) or Electronic Data Interchange (EDI) techniques may be used.