Australian Government Australian Maritime Safety Authority

Consultation Feedback Report

Marine Order 97 (Marine pollution prevention — air pollution) Amendment Order 2019

Marine Order 97 (Marine pollution prevention — air pollution) Amendment Order 2019 amends Marine Order 97 (Marine pollution prevention — air pollution) 2013. The commencement dates of the Order are 1 January 2020 and 1 March 2020 as relevant.

The Amendment Order addresses the following:

- updates prescribed limit for sulphur content in fuel oil to remove expired limits (effective 1 January 2020).
- implements provisions for the prohibition of carriage of non-compliant fuel on board (effective 1 March 2020).
- provides for the use of an Annex VI approved equivalent (e.g. exhaust gas cleaning system (EGCS)) not just inside but also outside an emission control area (ECA) for Australian ships and for foreign ships within Australian waters as an alternative to using compliant fuel.
- mandates fuel oil non-availability reporting (FONAR) for Australian ships both inside and outside ECAs and foreign ships within Australian waters.
- clarifies requirements related to bunker supply to vessels.

Consultation Feedback

Public consultation was carried out for a four-week period from 2 October 2019 closing on 30 October 2019. A copy of the draft Order was placed on the AMSA website and social media including FaceBook and Instagram for public comment. Notification of the public consultation was also emailed to over 235 stakeholders including ship operating companies, seafarer representative organisations, classification societies, shipping industry peak bodies and interested government departments and agencies inviting to comment.

Comments were received from two entities and one individual. One submission effected an editorial change in the draft.

Summary of the all comments received during the public consultation period and AMSA responses are provided in the table below:

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Comments	With reference to section 31 of the draft revised MO97 ("Notification of fuel oil non-availability"), enquired whether a draft of AMSA's proposed FONAR form has been (or will be) made available. Also, expressed interest in reviewing the draft form for their input. Whilst they anticipate AMSA's form of FONAR will broadly reflect Section 5 and, in particular, Appendix 1 of the IMO's 2019 Guidelines MEPC.320(74), they would be interested to consider the proposed draft and provide any feedback in the context of the wider implementation of IMO2020 regulations.
AMSA Response	Template for the AMSA specific FONAR has not yet been finalised, however it will be based on, and look very similar to, the agreed template set out in MEPC.320(74). The AMSA template will be made available on the website in due course. No action required on the draft Amendment Order.
Comments	 Amendments to Section 34(1)(a) and (b) Section 34(1)(a): reference to subsection (2) should be (3) Section 34(1)(b): reference to subsection (3) should be (4).
AMSA Response	Editorial error and fixed in the draft Amendment Order.
Comments	The POTS Act Amendment Bill, Schedule 3 excludes warships and naval auxiliaries from the application of the Act. Query was made asking whether same provision also be included in the MO97.
AMSA Response	Provisions of Acts are not required to be repeated in Marine Orders. Amendment to the POTS Act implies warships and naval auxiliaries will be excluded from the application of MO97. No action required.