



**Australian Government**  
**Australian Maritime Safety Authority**

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AMSA MO 2019/[number]

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

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I, Michael Kinley, Chief Executive Officer of the Australian Maritime Safety Authority, make this Marine Order under subsection 342(1) of the *Navigation Act 2012* and subsection 34(1) of the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*.

2019

**[DRAFT ONLY — NOT FOR SIGNATURE]**  
Chief Executive Officer

**CONSULTATION DRAFT**

## Section 1

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### 1 Name of Order

This Marine Order is *Marine Order 97 (Marine pollution prevention — air pollution) Amendment Order 2019*.

### 2 Commencement

Each provision of this Marine Order mentioned in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table.

Column 1 Provisions	Column 2 Commencement
1. Sections 1 to 3	The day that this Marine Order is made.
2. Schedule 1	The day that Schedule 1, Part 1 of the <i>Protection of the Sea (Prevention of Pollution from Ships) Amendment (Low Sulphur Fuel) Act 2019</i> commences.
3. Schedule 2	The day that Schedule 1, Part 2 of the <i>Protection of the Sea (Prevention of Pollution from Ships) Amendment (Low Sulphur Fuel) Act 2019</i> commences.
4. Schedule 3	The day that Schedule 1 of this Marine Order commences.

### 3 Amendment of *Marine Order*

Schedules 1, 2 and 3 amend *Marine Order 97 (Marine pollution prevention — air pollution) 2013*.

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## Schedule 1 Amendments about use of low sulphur fuel

### [1] Section 30

*substitute*

#### 30 Sulphur content of fuel oil — prescribed limits

- (1) For paragraph 26FEG(1)(b) of the Pollution Prevention Act, the prescribed limit is 0.50% m/m.
- (2) For paragraph 26FEH(4)(a) of the Pollution Prevention Act, the prescribed limit is 0.10% m/m.

### [2] Section 31

*substitute*

#### 30A Prescribed level of total emission of sulphur oxides

For paragraphs 26FEGA(4)(b) and 26FEHA(2)(b) of the Pollution Prevention Act, the prescribed level is shown in Table 1 of the 2015 Guidelines.

#### 30B Operation of Annex VI approved equivalents

- (1) For paragraph 26FEGA(1)(b) and subparagraph 26FEH(4)(b)(ii) of the Pollution Prevention Act, an Annex VI approved equivalent must be operated in accordance with the 2015 Guidelines.
- (2) For paragraph 26FEGA(1)(c) and subparagraph 26FEH(4)(b)(iii) of the Pollution Prevention Act, a waste stream arising from the operation of an exhaust gas cleaning system may be discharged only if:
  - (a) there is continuous monitoring and recording of the waste stream; and
  - (b) the waste stream is within the limits mentioned in the 2015 Guidelines.

#### 31 Notification of fuel oil non-availability

- (1) For paragraphs 26FEGA(7)(b), 26FEGA(7)(c), 26FEHA(5)(b) and 26FEHA(5)(c) of the Pollution Prevention Act:
  - (a) notification must be on the approved form; and
  - (b) notification must occur as soon as the person responsible for obtaining fuel oil for use on board the ship becomes aware that it will not be possible to obtain compliant fuel oil; and
  - (c) a copy of the notification must be kept on board the ship for 3 years.

*Note* The approved form is available on the AMSA website: at <http://www.amsa.gov.au>.

### [3] Section 32

*substitute*

#### 32 Flushing fuel oil service systems

For paragraphs 26FEI(1)(d) and 26FEI(2)(d) of the Pollution Prevention Act, the prescribed limit is 0.10% m/m.

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**[4] Paragraph 33(2)(a)**

*omit*

1.5%

*insert*

0.10% m/m

**[5] Subparagraph 33(2)(b)(i)**

*omit*

1.5%

*insert*

0.10% m/m

**[6] After section 33**

*insert*

**33A Approval of Annex VI approved equivalent**

- (1) For subsection 26FEKA(2) of the Pollution Prevention Act:
  - (a) a prescribed officer may approve, as an Annex VI approved equivalent, a system or method mentioned in that subsection if the system or method complies with the 2015 Guidelines; and
  - (b) an issuing body is a prescribed officer.
- (2) A decision about an application for approval of an Annex VI approved equivalent is a reviewable decision for section 17 of *Marine Order 1 (Administration) 2013*.

**Schedule 2 Amendments about carriage of low sulphur fuel**

**[1] Section 31**

*omit*

26FEHA(5)(b) and 26FEHA(5)(c)

*insert*

26FEHA(5)(b), 26FEHA(5)(c), 26FEHA(6)(b) and 26FEHA(6)(c)

**Schedule 3 Other changes**

**[1] Section 6, before definition of Annex VI**

*insert*

*2015 Guidelines* means *2015 Guidelines for exhaust gas cleaning systems* adopted by IMO Resolution MEPC.259(68) and as amended from time to time.

**[2] Section 6, after the definition of IEE certificate**

*insert*

*m/m* means mass by mass.

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**[3] Section 6, note 2**

*omit*

- inspector

*insert*

- inspector
- issuing body
- prescribed officer

**[4] Section 7, before the note**

*insert*

*Note 1* Annex VI and the 2015 Guidelines refer to the competent authority as the body responsible for certain functions under Annex VI. Each party to MARPOL must have a competent authority. Under the Pollution Prevention Act, the functions of the competent authority are performed by ‘a prescribed officer’. This will normally be AMSA but the holder of a particular office within AMSA, or another person, may be prescribed (see subsection 3(2) of the Pollution Prevention Act).

**[5] Section 7, note**

*omit*

*Note*

*insert*

*Note 2*

**[6] Subsections 8(2) to (4)**

*substitute*

- (2) However, the following provisions do not apply to a foreign vessel or a recreational vessel that does not have Australian nationality:
- (a) section 9;
  - (b) Division 2;
  - (c) Division 2B, apart from sections 20B and 20C;
  - (d) subsections 22(3) and (6);
  - (e) section 25;
  - (f) Division 6;
  - (g) sections 31 to 34;
  - (h) section 37.

**[7] Section 9A**

*omit*

20E

*insert*

20F

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**[8] After Division 1**

*insert*

**Division 1A Requirements of Annex VI**

**9B Convention requirements**

A vessel must comply with the requirements of Annex VI that apply to the vessel.

**[9] Subsection 20A(2)**

*substitute*

- (2) A vessel to which Annex VI applies must have the certificates that it is required to have in accordance with Regulations 5 and 6 of that Annex.

**[10] Section 34**

*substitute*

**34 Register of Local Suppliers of Fuel Oil**

- (1) For paragraph 26FEM(3)(a) of the Pollution Prevention Act, the Register of Local Suppliers of Fuel Oil must contain the information given by:
- (a) an initial application and declaration mentioned in subsection (2); and
  - (b) an annual declaration mentioned in subsection (3).
- (2) For subparagraph 26FEM(3)(b)(i) of the Pollution Prevention Act, a person seeking registration on the Register must apply in accordance with the application process set out in *Marine Order 1 (Administration) 2013*.
- (3) The application must be on the approved initial application and declaration form.

*Note* The approved form is available on the AMSA website: at <http://www.amsa.gov.au>.

- (4) For subparagraph 26FEM(3)(b)(ii) of the Pollution Prevention Act, a person registered on the Register must give AMSA an annual declaration in the approved form by 1 July each year.

*Note* The approved form is available on the AMSA website: at <http://www.amsa.gov.au>.

- (5) If the person does not provide an annual declaration as required, AMSA may remove the person's name from the Register.
- (6) If, at any time before the first annual declaration is due, any change occurs to information given in the initial application and declaration, the person who completed that form must give to AMSA a new initial application and declaration form with the new information.

**[11] Subsection 35(1)**

*omit*

paragraph 26FEO(1)(d)

*insert*

paragraph 26FEO(1A)(c)

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**Note**

1. All legislative instruments and compilations of legislative instruments are registered on the Federal Register of Legislation under the *Legislation Act 2003*. See <https://www.legislation.gov.au>.