

**New Draft MO42 (Carriage, stowage and securing of cargoes and containers) 2016 -
open for consultation until 30 April 2016**

Your comments would be appreciated on this draft new Marine Order 42 by submission using the AMSA Regulatory Consultation Tool at <http://www.amsa.gov.au/community/consultation/>

To make a submission you need to be registered as a user (see instructions at the link).

Background: The current Marine Order 42 deals with carriage, stowage and securing of cargoes and includes requirements for loading of freight containers and blending of bulk liquid cargoes. The Order gives effect to Regulations 2 (Cargo information), 5 (Stowage and securing), and 5-2 (Blending of liquid bulk cargoes) of Chapter VI of the *International Convention on Safety of Life of at Sea 1974* (SOLAS).

In November 2014, the Maritime Safety Committee (MSC) of the International Maritime Organization (IMO) adopted amendments to SOLAS chapter VI contained in IMO Resolution MSC.380 (94), which come into force internationally on 1 July 2016. The amendments provide new regulations for the verification of the gross mass of a packed container.

Marine Order 42 is amended to:

- give effect to the new SOLAS regulations for verification of gross mass of containers
- move existing requirements on weighing gross mass of containers from Marine Order 44 to this Order
- move existing requirements of SOLAS Chapter VI Regulation 5-1 for material safety data sheets (MSDS) from Marine Order 21 to this Order
- include SOLAS Chapter VI Regulation 4 on the use of pesticides on ships and for fumigation of cargo transport units
- rename the Order to make it more appropriate to the subject and contents.

The Order incorporates by reference IMO instruments, documents or other publications for the subject matter of the Order. AMSA will list all these references on the AMSA website (Marine Order page) and provide information on where documents can be downloaded free or where consolidated publications can be purchased. IMO Resolutions and Circulars are available on the IMO website www.imo.org/

If you have any difficulties in using the online tool or further questions please contact MODraft@amsa.gov.au

Please find below a summary and notes on the changes in the Draft Marine Order 42.

Change Summary – Marine Order 42 (Cargo, stowage and securing) 2014 – Navigation Act 2012

<p>Current Text of MO42 issue 140623Z available on the AMSA website https://www.amsa.gov.au/vessels/standards-regulations/marine-orders/</p>	<p>New text draft MO42 2016 issue-160310A</p>	<p>Notes on changes</p>
	<p>Division 1 Preliminary 1 Name of Order..... 3 1A Commencement 3 1B Repeal of <i>Marine Order 42 (Cargo, stowage and securing) 2014</i> 3 2 Purpose..... 3 3 Power..... 3 4 Definitions..... 3 5 Interpretation..... 5 6 Application..... 5 7 Exemptions 6 8 Equivalents..... 6 Division 2 Cargo information and weighing 6 9 Information for master 6 10 Verification of gross mass of cargo units and cargo carried in certain containers6 11 Shipper to ensure shipping document has correct verified gross mass.... 7 12 Loading of containers — required information 7 Division 3 Loading, stowage and securing of cargo..... 8 13 Use of pesticides in vessels..... 8 14 Stowage and securing — requirements 8 15 Cargo Securing Manual..... 8 16 Loading of freight containers..... 8 17 Unsafe or inadequate arrangements..... 9 18 Additional information 9 19 Stowage of cargo on deck..... 9 20 Material safety data sheets 10 21 Blending liquid bulk cargoes or production processes on voyages.... 10</p>	<p>New contents.</p>
<p>Division 1 Preliminary 1 Name of Order This Order is <i>Marine Order 42 (Cargo, stowage and securing) 2014</i>. 1A Commencement This Order commences on 1 August 2014. 1B Repeal of <i>Marine Order 42 (Cargo stowage and securing) 2003</i> <i>Marine Order 42 (Cargo stowage and securing) 2003</i> is repealed. 2 Purpose</p>	<p>Division 1 Preliminary 1 Name of Order This Order is <i>Marine Order 42 (Carriage, stowage and securing of cargoes and containers) 2016</i>. 1A Commencement This Order commences on 1 July 2016. 1B Repeal of <i>Marine Order 42 (Cargo, stowage and securing) 2014</i> <i>Marine Order 42 (Cargo, stowage and securing) 2014</i> is repealed.</p>	

<p>This Order gives effect to the following provisions in Chapter VI of SOLAS:</p> <ul style="list-style-type: none"> (a) regulation 2 (Cargo information); (b) regulation 5 (Stowage and securing); (c) regulation 5-2 (Blending of liquid bulk cargoes). <p><i>Note</i> For the text of SOLAS — see http://www.imo.org.</p>	<p>2 Purpose</p> <p>This Order gives effect to Chapter VI of SOLAS.</p> <p><i>Note</i> For the text of SOLAS — see http://www.imo.org.</p>	
<p>3 Power</p> <ul style="list-style-type: none"> (1) The following provisions of the Navigation Act provide for this Order to be made: <ul style="list-style-type: none"> (a) subsection 112(4) which provides that the regulations may provide for the carriage of cargo on a vessel; (b) paragraph 340(1)(a) which provides that the regulations may provide for giving effect to SOLAS. (2) Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed, or that are necessary or convenient to be prescribed, for carrying out or giving effect to the Navigation Act. (3) Section 341 of the Navigation Act provides for the imposition of penalties in regulations. (4) Subsection 342(1) of the Navigation Act provides that AMSA may make a Marine Order about anything that may or must be made by regulation. 	<p>3 Power</p> <ul style="list-style-type: none"> (1) The following provisions of the Navigation Act provide for this Order to be made: <ul style="list-style-type: none"> (a) subsection 112(4) which provides that the regulations may provide for the carriage of cargo on a vessel; (b) subsection 112(5) which provides that the regulations may provide for, among other things, the loading, stowing or carriage of cargo in vessels and the giving of notices for the loading, stowage or carriage of cargo in vessels; (c) paragraph 340(1)(a) which provides that the regulations may provide for giving effect to SOLAS. (2) Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed, or that are necessary or convenient to be prescribed, for carrying out or giving effect to the Navigation Act. (3) Section 341 of the Navigation Act provides for the imposition of penalties in regulations. (4) Subsection 342(1) of the Navigation Act provides that AMSA may make a Marine Order about anything that may or must be made by regulation. 	<p>No change – refers to the legal powers in the Navigation Act 2012 for the making of regulations.</p>

4 Definitions

In this Order:

2011 TDC Code means the *Code of Safe Practice for Ships Carrying Timber*

Deck Cargoes, 2011, as adopted by IMO resolution A.1048(27) and in force from time to time.

approved means:

(a) for a regulated Australian vessel — approved by AMSA or a recognised

organisation; or

(b) for a foreign vessel — approved by or for the Administration of the foreign country.

CSS Code means the *Code of Safe Practice for Cargo Stowage and Securing*, as adopted by IMO resolution A.714(17) and in force from time to time.

Note For the text of the CSS Code — see <http://www.imo.org>.

IMDG Code means the International Maritime Dangerous Goods Code.

Note For the text of the IMDG Code — see <http://www.imo.org>.

on deck includes on top of hatch covers.

Note 1 Also see IMO Circulars MSC/Circ. 525 (*Guidance note on precautions to be taken by the masters of ships below 100 metres in length engaged in the carriage of logs*) and MSC/Circ.548 (*Guidance note on precautions to be taken by masters of ships engaged in the carriage of timber cargoes*).

Note 2 Some terms used in this Order are defined in *Marine Order 1 (Administration) 2013*, including:

- IMO
- length
- Navigation Act
- SOLAS.

Note 3 Other terms used in this Order are defined in the Navigation Act, including:

- AMSA

4 Definitions

In this Order:

approved means:

(a) for a regulated Australian vessel — approved by an issuing body; or

(b) for a foreign vessel — approved by or for the Administration.

Chapter VI means Chapter VI of SOLAS.

container has the same meaning as in the Container Convention.

Note For the text of the Container Convention — see <http://www.imo.org>.

CSS Code means the *Code of Safe Practice for Cargo Stowage and Securing*, as adopted by IMO resolution A.714(17) and in force from time to time. *Note* For the text of the CSS Code — see <http://www.imo.org>.

IMO Guidelines regarding the verified gross mass of a container carrying cargo means the guidelines set out in the Annex to IMO Circular MSC.1/Circ.1475, as amended from time to time.

on deck includes on top of hatch covers.

IMO Recommendations for material safety data sheets (MSDS) for MARPOL Annex I oil cargo and oil fuel means the recommendations in IMO Resolution MSC.286(86), as amended from time to time.

IMO Recommendations on the safe use of pesticides in ships applicable to the fumigation of cargo holds means the recommendations set out in the Annex to IMO MSC.1/Circ.1264, as amended from time to time.

IMO Revised guidelines for the preparation of the cargo securing manual means the guidelines set out in the Annex to IMO MSC.1/Circ. 1353/Rev.1, as amended from time to time.

IMO Revised recommendations on the safe use of pesticides in ships means the recommendations set out in the Annex to IMO MSC.1/Circ.1358, as amended from time to time.

IMO Revised recommendations on the safe use of pesticides in ships applicable to the fumigation of cargo transport units means the recommendations set out in the Annex to IMO Circular MSC.1/Circ.1361, as amended from time to time.

national measurement legislation means the *National Measurement Act 1960*, the *National Measurement Regulations 1999* and the *National Trade Measurement Regulations 2009*.

New definitions as appropriate for the Order

Anything in the Order that is required to be approved for a vessel. For a regulated Australian vessel (RAV) it is an issuing body (AMSA or a recognised organization).

Use of 'in force from time to time' relates to section 342 of the *Navigation Act 2012* to allow incorporation of standards that may change over time.

AMSA will also list all references to documents in the Marine Order (on the AMSA website) and provide information on where those documents can be obtained (for free or for purchase) as well as any amendments to the original reference.

Definition for national measurement legislation under which equipment used for trade measurement and relevant

<ul style="list-style-type: none"> • inspector • International Maritime Dangerous Goods Code • master. <p><i>Note 4</i> For delegation of AMSA’s powers under this Order — see the AMSA website Marine Orders link at http://www.amsa.gov.au.</p>	<p><i>Note</i> This legislation is available on the Federal Register of Legislation at https://www.legislation.gov.au.</p> <p>TDC Code means the <i>Code of Safe Practice for Ships Carrying Timber Deck Cargoes, 2011</i>, as adopted by IMO resolution A.1048(27) and in force from time to time.</p> <p><i>Note</i> Also see IMO Circulars MSC/Circ. 525 (<i>Guidance note on precautions to be taken by the masters of ships below 100 metres in length engaged in the carriage of logs</i>) and MSC/Circ.548 <i>Guidance note on precautions to be taken by masters of ships engaged in the carriage of timber cargoes</i>.</p> <p><i>Note 2</i> Some terms used in this Order are defined in <i>Marine Order 1 (Administration) 2013</i>, including:</p> <ul style="list-style-type: none"> <input type="checkbox"/> IMO <input type="checkbox"/> length <input checked="" type="checkbox"/> MARPOL <input type="checkbox"/> Navigation Act <input type="checkbox"/> SOLAS. <p><i>Note 3</i> Other terms used in this Order are defined in the Navigation Act, including:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Container Convention <input type="checkbox"/> inspector <input type="checkbox"/> International Maritime Dangerous Goods Code <input type="checkbox"/> issuing body <input type="checkbox"/> master. <p><i>Note 4</i> Information on obtaining copies of any IMO Resolution, IMO document or other document that is mentioned in this Order is available from the AMSA website Marine Orders link at http://www.amsa.gov.au.</p> <p><i>Note 5</i> For delegation of AMSA’s powers under this Order — see the AMSA website Marine Orders link at http://www.amsa.gov.au.</p>	<p>weighing measurement standards are given effect in Australia.</p> <p>The AMSA delegation instrument on the AMSA website will be updated for this Order.</p>
<p>5 Meaning of certain expressions</p> <p>(1) A term that is used in this Order but is not defined for this Order, and is defined in SOLAS or in a code mentioned in this Order, has the meaning given by SOLAS or the code.</p> <p><i>Note</i> This includes <i>cargo transport unit</i> defined in the</p>	<p>5 Interpretation</p> <p>(1) A term that is used in this Order but is not defined for this Order, and is defined in SOLAS or in a code mentioned in this Order, has the same meaning as in SOLAS or the code.</p> <p><i>Note</i> This includes <i>cargo transport unit</i> and <i>freight container</i> defined in</p>	<p>Terminology that is used in SOLAS and any IMO Code that is mentioned in this Order has the same meaning as used in SOLAS or the relevant code. The Order does not duplicate</p>

<p>IMDG Code, <i>cargo unit</i> defined in the CSS Code and <i>freight container</i> defined in the IMDG Code.</p> <p>(2) A reference to <i>the Administration</i> in Chapter VI of SOLAS or an IMO resolution or document mentioned in this Order is taken to mean AMSA.</p> <p><i>Note</i> For information on obtaining copies of IMO documents mentioned in this Order — see the AMSA website at http://www.amsa.gov.au. These documents may also be purchased from the IMO — see the IMO website at http://www.imo.org/publications.</p>	<p>the International Maritime Dangerous Goods Code and <i>cargo unit</i> defined in the CSS Code.</p> <p>(2) For this Order, the <i>Administration</i> is:</p> <p>(a) for a regulated Australian vessel — AMSA; or</p> <p>(b) for a foreign vessel — the government of the country whose flag the vessel is entitled to fly.</p> <p>(3) For this Order, the reference in paragraph 4.2 of regulation 2 of Chapter VI to the <i>competent authority</i> is to be taken to mean:</p> <p>(a) for Australia — AMSA; or</p> <p>(b) for a country other than Australia — the competent authority under the country’s law that implements SOLAS.</p>	<p>definitions used in SOLAS or the codes.</p> <p>Specifying who the Administration is for the vessel.</p> <p>Specifying who the competent authority is.</p>
<p>6 Application</p> <p>This Order applies to:</p> <p>(a) the stowing and securing of cargoes on:</p> <p>(i) a regulated Australian vessel; or</p> <p>(ii) a foreign vessel:</p> <p>(A) in an Australian port; or</p> <p>(B) entering or leaving an Australian port; or</p> <p>(C) in the internal waters of Australia; or</p> <p>(D) in the territorial sea of Australia, other than in the course of innocent passage; and</p> <p>(b) a cargo unit or cargo transport unit packed or being packed for transport on a vessel mentioned in paragraph (a); and</p> <p>(c) blending of bulk liquid cargoes on a vessel mentioned in paragraph (a); and</p> <p>(d) any deliberate operation in which a chemical reaction between the cargo and any other substance or cargo takes place on a vessel mentioned in paragraph (a).</p>	<p>6 Application</p> <p>This Order applies to:</p> <p>(a) the stowing and securing of cargoes to which Part A of Chapter VI applies on:</p> <p>(i) a regulated Australian vessel; or</p> <p>(ii) a foreign vessel that is:</p> <p>(A) in an Australian port; or</p> <p>(B) entering or leaving an Australian port; or</p> <p>(C) in the internal waters of Australia; or</p> <p>(D) in the territorial sea of Australia, other than in the course of innocent passage; and</p> <p>(b) a cargo unit or cargo transport unit packed or being packed for transport on a vessel mentioned in paragraph (a); and</p> <p>(c) blending of bulk liquid cargoes on a vessel mentioned in paragraph (a); and</p> <p>(d) any deliberate operation in which a chemical reaction between the cargo and any other substance or cargo takes place on a vessel mentioned in paragraph (a).</p>	<p>See sections 9 and 10 that state on a vessel in an Australian port.</p>

<p>7 Exemptions</p> <p>(1) A person may apply, in accordance with the application process set out in <i>Marine Order 1 (Administration) 2013</i>, for an exemption of a vessel from a requirement of this Order, the CSS Code or the 2011 TDC Code.</p> <p>(2) AMSA may give an exemption only if satisfied that:</p> <p>(a) requiring compliance with the requirement would be unreasonable or impracticable; and</p> <p>(b) giving the exemption would not contravene SOLAS.</p>	<p>7 Exemptions</p> <p>(1) A person may apply, in accordance with the application process set out in <i>Marine Order 1 (Administration) 2013</i>, for an exemption of a vessel from a requirement of this Order, the CSS Code or the TDC Code.</p> <p>(2) AMSA may give an exemption only if satisfied that:</p> <p>(a) requiring compliance with the requirement would be unreasonable or impracticable; and</p> <p>(b) giving the exemption would not contravene SOLAS.</p>	
<p>8 Equivalentents</p> <p>(1) A person may apply, in accordance with the application process set out in <i>Marine Order 1 (Administration) 2013</i>, for approval to use an equivalent. (2) AMSA may approve use of an equivalent only if:</p> <p>(a) it is satisfied that use of the equivalent would be at least as effective as compliance with the requirement to which the equivalent is an alternative; and</p> <p>(b) use of the equivalent would not contravene SOLAS.</p> <p><i>Note Marine Order 1 (Administration) 2013 deals with the following matters about equivalentents and exemptions:</i></p> <ul style="list-style-type: none"> • making an application • seeking further information about an application • the time allowed for consideration of an application • imposing conditions on approval of an application • notification of a decision on an application • review of decisions. 	<p>8 Equivalentents</p> <p>(1) A person may apply, in accordance with the application process set out in <i>Marine Order 1 (Administration) 2013</i>, for approval to use an equivalent.</p> <p>(2) AMSA may approve use of an equivalent only if:</p> <p>(a) it is satisfied that use of the equivalent would be at least as effective as compliance with the requirement to which the equivalent is an alternative; and</p> <p>(b) use of the equivalent would not contravene SOLAS.</p> <p><i>Note Marine Order 1 (Administration) 2013 deals with the following matters about equivalentents and exemptions:</i></p> <ul style="list-style-type: none"> • making an application • seeking further information about an application • the time allowed for consideration of an application • imposing conditions on approval of an application • notification of a decision on an application • review of decisions. 	<p>Note that AMSA will consider equivalence for portable tanks that contain liquids or gases where volume or specific gravities are known but it is not possible to obtain a gross mass.</p>

<p>9 Review of decisions</p> <p>A decision under this Order, other than a decision under section 7 or 8, is taken to be a reviewable decision for section 18 of <i>Marine Order 1 (Administration) 2013</i>.</p> <p><i>Note</i> A decision under section 7 or 8 is also a reviewable decision for <i>Marine Order 1 (Administration) 2013</i> because it is mentioned in section 16 of that Order.</p>		<p>Deleted as review of decisions is covered in <i>Marine Order 1 (Administration) 2013</i>.</p>
<p>Division 2 Matters relating to cargo</p> <p>10 Information for master</p> <p>Paragraphs 1 and 2.1 of regulation 2 of Chapter VI of SOLAS have effect for the loading of cargo on a vessel in a port in Australia.</p> <p><i>Note</i> These provisions require a shipper to give information about cargo, including the information mentioned in chapter 1.9 of the CSS Code, to the master before loading. A suitable form for giving cargo information to the master or the master's representative (as required by regulation 2 of Chapter VI of SOLAS) is the 'Shippers Declaration' Form, available from the AMSA website at http://www.amsa.gov.au.</p>	<p>Division 2 Cargo information and weighing</p> <p>9 Information for master</p> <p>Paragraphs 1 and 2.1 of regulation 2 of Chapter VI have effect for the loading of cargo on a vessel in an Australian port.</p> <p><i>Note</i> These provisions require a shipper to give information about cargo, including the information mentioned in chapter 1.9 of the CSS Code, to the master before loading. A suitable form for giving cargo information to the master or the master's representative (as required by regulation 2 of Chapter VI) is the 'Shippers Declaration' form, available from the AMSA website at http://www.amsa.gov.au.</p>	<p>Minor change.</p> <p>Cargo information is required to be provided by the shipper to the Master of the ship in advance of loading the cargo onto the ship. The <i>IMO Code of Safe Practice for Cargo Stowage and Securing (CSS)</i> lists the information required.</p> <p>AMSA has produced a form that may be used (this form will be updated for this new Order).</p>
<p>11 Verification of mass before loading</p> <p>Paragraph 3 of regulation 2 of Chapter VI of SOLAS has effect for the loading of cargo on a vessel in a port in Australia.</p> <p><i>Note</i> This provision requires that, before loading cargo units on board a vessel, the shipper must ensure that the gross mass of the units is in accordance with the gross mass declared in the cargo information given in accordance with section 10.</p>	<p>10 Verification of gross mass of cargo units and cargo carried in certain containers <i>[SOLAS VI-2]</i></p> <p>(1) Paragraph 3 of regulation 2 of Chapter VI has effect for the loading of cargo units on a vessel in an Australian port.</p> <p><i>Note</i> This provision requires that, before loading cargo units on board a vessel, the shipper must ensure that the gross mass of the units is in accordance with the gross mass declared in the cargo information given in accordance with section 9.</p> <p>(2) Paragraphs 4 and 5 of regulation 2 of Chapter VI have effect for the loading of cargo on a vessel in an Australian port.</p> <p><i>Note</i> Paragraph 4 requires the gross mass of cargo carried in a container to be verified and sets out two acceptable verification methods. Paragraph 5 requires the shipper to ensure the verified gross mass is stated in the shipping document. For guidance regarding the verification of the gross</p>	<p>Section reflects the current and new regulations in SOLAS Chapter VI regulation 2.</p> <p>Clearly states that paragraphs 3, 4 and 5 of Regulation 2 of SOLAS Chapter VI have effect in Australia.</p> <p>Notes about the SOLAS regulations that there are two methods acceptable for obtaining verification of gross mass.</p> <p>Notes referring to the IMO</p>

mass of packed containers by the shipper under paragraphs 4 and 5 of regulation 2 of Chapter VI of SOLAS see the *IMO Guidelines regarding the verified gross mass of a container carrying cargo*.

(3) For subsection (2), equipment is to be taken to be calibrated and certified equipment for paragraph 4.1 of regulation 2 of Chapter VI of SOLAS if the equipment complies with:

(a) the requirements of the national measurement legislation for the kind of equipment; or

(b) a standard of accuracy for weighing equipment that:

(i) applies to the kind of weighing equipment;

and

(ii) is approved in writing by AMSA.

Note 1 Paragraph 4.1 of regulation 2 of Chapter VI sets out the method for verification of gross mass commonly known as Method 1. Paragraph 4.2 of regulation 2 of Chapter VI sets out the method for verification of gross mass commonly known as Method 2 or the summation method.

Note 2 For a list of the accuracy standards for weighing equipment approved by AMSA see the AMSA website at <http://www.amsa.gov.au>.

(4) The methods approved for Australia for verification of gross mass of cargo carried in a container are:

(a) the method mentioned in paragraph 4.1 of regulation 2 of Chapter VI (*Method 1*) using equipment that complies with subsection (3); and

(b) the method mentioned in para 4.2 of regulation 2 of Chapter VI (*Method 2*) using equipment that complies with subsection (3).

(5) The approved certified method for paragraph 4.2 of regulation 2 of Chapter VI is to use equipment that complies with subsection (3) for weighing a container's contents.

Guidelines that provide guidance.

For Regulation 2 paragraph 4 of SOLAS Chapter VI - states what 'calibrated and certified equipment' is for Australia.

Weights taken on equipment used for weighing that meets the national measurement legislation is accepted. Other equipment that meets AMSA approved standards of accuracy, are also accepted for weighing. The list of approved standards of accuracy will be on the AMSA website (a draft is available see end of this document).

Regulation 2 paragraph 4.1 of SOLAS Chapter VI is known as Method 1 - the weighing of a packed container using calibrated and certified equipment.

Regulation 2 paragraph 4.2 of SOLAS Chapter VI is known as Method 2 - 'weighing of all packages and cargo items including the mass of pallets, dunnage and other securing material to be packed in the container and adding the tare mass of the container to the sum of the single masses'. The weighing is to be done on equipment in accordance with subsection 3.

	<p>11 Shipper to ensure shipping document has correct verified gross mass [SOLAS VI-2]</p> <p>(1) The shipper for a packed container must ensure that the verified gross mass:</p> <ul style="list-style-type: none"> (a) is stated in the shipping document for the container; and (b) is obtained in accordance with this Order. <p>Penalty: 50 penalty units.</p> <p>(2) An offence against subsection (1) is a strict liability offence.</p> <p>(3) A person is liable to a civil penalty if the person contravenes subsection (1).</p> <p>Civil penalty: 50 penalty units.</p> <p><i>Note</i> For the shipper and the shipping document see subsections 2.1.12 and 2.1.13 of the <i>IMO Guidelines regarding the verified gross mass of a container carrying cargo.</i></p>	<p>Reflects Regulation 2.5 of Chapter VI of SOLAS. The Note refers to the IMO Guidelines that</p> <p>The gross mass on the shipping document should not be false.</p>
	<p>12 Loading of containers — required information [SOLAS VI-2]</p> <p>(1) A person may load a packed container on a vessel only if the shipping document for the container states the container's verified gross mass.</p> <p>Penalty: 50 penalty units.</p> <p>(2) An offence against subsection (1) is a strict liability offence.</p> <p>(3) A person is liable to a civil penalty if the person contravenes subsection (1).</p> <p>Civil penalty: 50 penalty units.</p> <p><i>Note 1</i> For guidance on empty containers see section 12 of the <i>IMO Guidelines regarding the verified gross mass of a container carrying cargo.</i></p> <p><i>Note 2</i> For guidance about obtaining the verified gross mass of a packed container received at a port or terminal without a verified gross mass, including the apportionment of costs, see section 13 of the <i>IMO Guidelines regarding the verified gross mass of a container carrying cargo.</i></p>	<p>Provides that packed container can only be loaded onto a vessel if there is a verified gross mass stated in shipping documents.</p> <p>A penalty unit is \$170.</p> <p>Empty containers should be empty see the IMO guidelines. If a container arrives at the port or terminal without documentation with a verified gross mass it will not be loaded on a ship. The IMO guidelines section 13 provide guidance on the procedure to be followed.</p>

	<p>Division 3 Loading, stowage and securing of cargo</p> <p>13 Use of pesticides in vessels [SOLAS VI-4]</p> <p>(1) The master of a vessel must ensure that any use of pesticides in the vessel complies with the <i>IMO Revised recommendations on the safe use of pesticides in ships</i>.</p> <p>(2) The master of the vessel must ensure that any fumigation of a cargo space of the vessel is carried out in accordance with the <i>IMO Recommendations on the safe use of pesticides in ships applicable to the fumigation of cargo holds</i>.</p> <p>(3) A fumigated cargo transport unit may be loaded on a vessel only if it has been fumigated in accordance with the <i>IMO Revised recommendations on the safe use of pesticides in ships applicable to the fumigation of cargo transport units</i>.</p>	<p>Reflecting Regulation 4 of Chapter VI of SOLAS on the use of pesticides in ships, or for a container before loading on a ship. Relevant IMO documents (from SOLAS) specified.</p>
<p>12 Stowage and securing — requirements</p> <p>Cargo, cargo units and cargo transport units must be packed, loaded, stowed and secured in accordance with regulation 5 of Chapter VI of SOLAS.</p>	<p>14 Stowage and securing — requirements [SOLAS VI-5]</p> <p>(1) Cargo, cargo units and cargo transport units must be packed, loaded, stowed and secured throughout each voyage in accordance with regulation 5 of Chapter VI.</p> <p>(2) For subsection (1), a vessel moving within a port (eg shifting berth or proceeding to a safe anchorage) is taken not to be on a voyage.</p>	<p>Reflecting regulation 5 of Chapter VI of SOLAS (and remove old section 14(4)).</p> <p>Subsection moved from old section 14 (5).</p>
<p>14 Cargo Securing Manual [SOLAS V1/5]</p> <p>(1) The master of a vessel, other than a vessel carrying only passengers or only a bulk solid, liquid or gaseous cargo, must ensure that the vessel carries an approved Cargo Securing Manual prepared in accordance with IMO MSC.1/Circ. 1353 <i>Revised Guidelines for the Preparation of Cargo Securing Manual</i>, as in force from time to time.</p> <p>Penalty: 50 penalty units.</p> <p>(2) An offence against subsection (1) is a strict liability offence.</p> <p>(3) A person is liable to a civil penalty if the person</p>	<p>15 Cargo Securing Manual [SOLAS V1/5]</p> <p>(1) The master of a vessel, other than a vessel carrying only passengers or only a bulk solid, liquid or gaseous cargo, must ensure that the vessel carries an approved Cargo Securing Manual prepared in accordance with the <i>IMO Revised guidelines for the preparation of the cargo securing manual</i>.</p> <p>Penalty: 50 penalty units.</p> <p>(2) An offence against subsection (1) is a strict liability offence.</p> <p>(3) A person is liable to a civil penalty if the person contravenes subsection (1).</p> <p>Civil penalty: 50 penalty units.</p>	

<p>contravenes subsection (1).</p> <p>Civil penalty: 50 penalty units.</p> <p>(4) A cargo (other than a solid or liquid bulk cargo), cargo unit or cargo transport unit must be loaded, and stowed and secured throughout a voyage, in accordance with regulation 5 of Chapter VI of SOLAS.</p> <p>(5) For subsection (4), a vessel moving within a port (eg shifting berth or proceeding to a safe anchorage) is taken not to be on a voyage.</p>		
<p>13 Loading of freight containers</p> <p>(1) A person must not load a freight container to more than the maximum gross mass indicated on the Safety Approval Plate under <i>Marine Order 44 (Safe Containers) 2012</i>.</p> <p>Penalty: 50 penalty units.</p> <p>(2) An offence against subsection (1) is a strict liability offence.</p> <p>(3) A person is liable to a civil penalty if the person contravenes subsection (1).</p> <p>Civil penalty: 50 penalty units.</p>	<p>15 Loading of freight containers</p> <p>[SOLAS VI-5-5]</p> <p>(1) A person must not load a freight container to more than the maximum gross mass indicated on the Safety Approval Plate under <i>Marine Order 44 (Container approval, maintenance and control) 2016</i>.</p> <p>Penalty: 50 penalty units.</p> <p>(2) An offence against subsection (1) is a strict liability offence.</p> <p>(3) A person is liable to a civil penalty if the person contravenes subsection (1).</p> <p>Civil penalty: 50 penalty units.</p>	<p>Reflects Regulation 5-5 of Chapter VI of SOLAS. Refers to the new draft MO44 2016 that needs be in effect at the same time as MO42.</p>
<p>15 Unsafe or inadequate arrangements</p> <p>(1) For paragraph 112(5)(c) of the Act, AMSA may give written notice to a person if AMSA considers that:</p> <p>(a) the person is responsible for the loading, stowage or carriage of cargo on the vessel; and</p> <p>(b) either:</p> <p>(i) the Cargo Securing Manual, the CSS Code or the 2011 TDC Code are not being complied with; or</p> <p>(ii) the loading, stowage or carriage of cargo on the vessel is unsafe.</p>	<p>17 Unsafe or inadequate arrangements</p> <p>(1) For paragraph 112(5)(c) of the Act, AMSA may give written notice to a person if AMSA considers that:</p> <p>(a) the person is responsible for the loading, stowage or carriage of cargo on the vessel; and</p> <p>(b) any of the following apply:</p> <p>(i) the Cargo Securing Manual, the CSS Code or the TDC Code are not being complied with; or</p> <p>(ii) this Order is not being complied with; or</p> <p>(iii) the loading, stowage or carriage of cargo on the vessel is unsafe.</p>	

<p>(2) The notice may:</p> <ul style="list-style-type: none"> (a) prohibit loading, stowage or carriage of the cargo on the vessel; or (b) require additional conditions to be met, either generally or for a particular vessel or a particular cargo; or (c) require verification of the mass of a cargo unit. <p>(3) A person must comply with a notice given to the person under subsection (1). Penalty: 50 penalty units.</p> <p>(4) An offence against subsection (3) is a strict liability offence.</p> <p>(5) A person is liable to a civil penalty if the person contravenes subsection (3). Civil penalty: 50 penalty units.</p> <p><i>Note</i> It is an offence not to take proper precautions in loading a vessel — see Act, s. 114.</p>	<p>(2) The notice may:</p> <ul style="list-style-type: none"> (a) prohibit loading, stowage or carriage of the cargo on the vessel; or (b) require additional conditions to be met, either generally or for a particular vessel or a particular cargo; or (c) require a cargo unit to be weighed so that its declared gross mass may be checked. <p>(3) A person must comply with a notice given to the person under subsection (1). Penalty: 50 penalty units.</p> <p>(4) An offence against subsection (3) is a strict liability offence.</p> <p>(5) A person is liable to a civil penalty if the person contravenes subsection (3). Civil penalty: 50 penalty units.</p> <p><i>Note</i> It is an offence not to take proper precautions in loading a vessel — see Act, s. 114.</p>	<p>Change of wording to remove the word verification.</p>
<p>16 Additional information</p> <p>If AMSA considers that the information available about a particular cargo does not show that the cargo can be loaded and carried on a vessel without danger to the vessel or any person on the vessel, AMSA may require additional information to be given to show that the cargo can be loaded and carried without danger.</p>	<p>18 Additional information</p> <p>If AMSA considers that the information available about a particular cargo does not show that the cargo can be loaded and carried on a vessel without danger to the vessel or any person on the vessel, AMSA may require additional information to be given to show that the cargo can be loaded and carried without danger.</p>	
<p>17 Stowage of cargo on deck</p> <p>Cargo may be stowed on the deck of a vessel only if:</p> <ul style="list-style-type: none"> (a) there is clear access, during and after stowage, between every exit from accommodation and every lifesaving appliance; and (b) there is clear access between every exit from seafarer accommodation and every space or area 	<p>19 Stowage of cargo on deck</p> <p>Cargo may be stowed on the deck of a vessel only if:</p> <ul style="list-style-type: none"> (a) there is clear access, during and after stowage, between every exit from accommodation and every lifesaving appliance; and (b) there is clear access between every exit from seafarer 	

<p>required for the normal and emergency working of the vessel; and</p> <p>(c) accessways are at least 600 mm wide, of adequate height and kept free of obstruction at all times; and</p> <p>(d) provision is made for adequate stability at all times during the voyage; and</p> <p>(e) there is adequate access for pilots; and</p> <p>(f) there is adequate visibility from the bridge and all lookout positions; and</p> <p>(g) provision is made to prevent navigation lights from being obscured; and</p> <p>(h) it is secured in accordance with the approved Cargo Securing Manual.</p> <p><i>Note</i> For requirements about navigation bridge visibility — see section 24 of <i>Marine Order 21 (Safety of navigation and emergency procedures) 2012</i>.</p>	<p>accommodation and every space or area required for the normal and emergency working of the vessel; and</p> <p>(c) accessways are at least 600 mm wide, of adequate height and kept free of obstruction at all times; and</p> <p>(d) provision is made for adequate stability at all times during each voyage; and</p> <p>(e) there is adequate access for pilots; and</p> <p>(f) there is adequate visibility from the bridge and all lookout positions; and</p> <p>(g) provision is made to prevent navigation lights from being obscured; and</p> <p>(h) it is secured in accordance with the approved Cargo Securing Manual.</p> <p><i>Note</i> For requirements about navigation bridge visibility — see section 11 of <i>Marine Order 21 (Safety and emergency arrangements) 2016</i>.</p>	<p>Refers to new draft MO21 that is expected to be in effect on 1 July 2016.</p>
	<p>20 Material safety data sheets [SOLAS VI/5-1]</p> <p>(1) The owner of a vessel that carries oil or oil fuel, as defined in regulation 1 of Annex I to MARPOL, must ensure that material safety data sheets, based on the <i>IMO Recommendations for material safety data sheets (MSDS) for MARPOL Annex I oil cargo and oil fuel</i>, are on board the vessel before the oil or fuel oil is loaded.</p> <p>Penalty: 50 penalty units.</p> <p>(2) An offence against subsection (1) is a strict liability offence.</p> <p>(3) A person is liable to a civil penalty if the person contravenes subsection (1).</p> <p>Civil penalty: 50 penalty units.</p>	<p>Section moved from Marine Order 21. Reflects Regulation 5-1 on material safety data sheets from Chapter VI of SOLAS. Note other Marine Orders will use the term safety data sheets as used in the UN global harmonized system of classification and labelling of chemicals.</p>

<p>18 Blending liquid bulk cargoes or production processes on voyages</p> <p>The master of a vessel must comply with Regulation 5-2 of Chapter VI of SOLAS.</p> <p><i>Note</i> Regulation 5-2 does not apply to the use of cargoes in the search and exploitation of seabed mineral resources.</p>	<p>21 Blending liquid bulk cargoes or production processes on voyages</p> <p>The master of a vessel must comply with regulation 5-2 of Chapter VI.</p> <p><i>Note</i> Regulation 5-2 does not apply to the use of cargoes in the search and exploitation of seabed mineral resources.</p>	<p>Reflects the ban of blending of cargoes in SOLAS.</p>
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Accuracy standards for weighing equipment approved by AMSA

For the purposes of Section 10(3)(ii) of *Marine Order 42 (Carriage, stowage and securing of cargoes and containers) 2016*, the following accuracy standards are approved by AMSA

1. Static, Non-automatic weighing instruments	OIML/NMI R76
2. Non-automatic weighing instruments mounted on or incorporated in a vehicle,	OIML/NMI R76
3. 'On-board' automatic weighing instruments mounted on or incorporated in a vehicle, intended for weighing whilst the vehicle is stationary, but which weigh automatically	OIML/NMI R51
4. Automatic weighing instruments ('catchweighers') for weighing items prior to their being loaded into a container.	OIML/NMI R51
5. Train weighing in motion (Automatic Rail Weighbridge) systems.	OIML/NMI R106
6. Road vehicle weighing in motion systems.	OIML R134
7. 'On-board' automatic weighing instruments	OIML/NMI R51

mounted on or incorporated in a vehicle	
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OIML: International Organisation of Legal Metrology. OIML International Recommendations are available free to download from the OIML website www.oiml.org/

NMI: National Measurement Institute. NMI adopts OIML standards and modifies them for Australia. NMI Recommendation are available free to download from the NMI website www.measurement.gov.au/