



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

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**Marine Order 41(Carriage of dangerous goods) 2009**

**in effect under the *Navigation Act 2012***

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This is a compilation of *Marine Order 41 (Carriage of dangerous goods) 2009*, prepared on 5 June 2013, taking into account amendments up to *Marine Orders Part 41 Amendment 2011 (No. 1)* and modifications made by *Marine Order 4 (Transitional modifications) 2013*.

Subsection 343(2) of the *Navigation Act 2012* provides that the Marine Orders may provide for specified orders that were in effect under the *Navigation Act 1912* immediately before its repeal to have effect, for the *Navigation Act 2012*, with the modifications made for it in the Marine Orders.

*Marine Order 4 (Transitional modifications) 2013* provides for this Order to have effect and makes modifications for it.

This compilation is not a compilation for the *Legislative Instruments Act 2003*, and so is not registered on the Federal Register of Legislative Instruments.

Prepared by the Office of Legislative Drafting, Australian Maritime Safety Authority.

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## 1A Name of Order

This Order is *Marine Order 41 (Carriage of dangerous goods) 2009*.

## 1 Purpose and power

### 1.1 Purpose

This Order:

- (a) gives effect to the following Parts of Chapter VII of SOLAS:
  - (i) Part A, which deals with the carriage of dangerous goods in packaged form and in particular gives effect to the IMDG Code; and
  - (ii) Part D, which deals with special requirements for the carriage of packaged irradiated nuclear fuel, plutonium and high-level radioactive wastes on board vessels, and in particular gives effect to the INF Code; and
- (b) provides for the following matters:
  - (i) carriage on vessels of cargo, including the loading, stowage, carriage and unloading of cargo, under subsection 112(4) of the Navigation Act;
  - (ii) carriage of dangerous goods in vessels, under subsection 112(6) of the Navigation Act;
  - (iii) giving notice of intention to ship dangerous goods in vessels, under subsection 119(1) of the Navigation Act.

*Note 1* The text of Chapter VII as at 15 July 2011 is in the SOLAS Consolidated Edition 2009.

*Note 2* Compliance with the IMDG Code also ensures compliance with the dangerous goods aspects of Annex III of MARPOL.

### 1.2 Power

1.2.1 Paragraphs 98(2)(a) and 340(1)(a) of the Navigation Act provide for regulations to make provision for or in relation to giving effect to SOLAS.

1.2.2 Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

1.2.3 Subsection 342(1) of the Navigation Act provides that AMSA may make orders about any matter for which provision may or must be made by regulation.

## 2 Definitions

In this Order:

***accepted training course*** means a dangerous goods training course that has been accepted by the Manager, Ship Inspection and Registration, for the purposes of this Order.

***chemical tanker*** has the same meaning as in Regulation 1 of Annex II to MARPOL.

***consolidator*** means a person who packs, or supervises the packing of, cargo for various shippers into a cargo transport unit for transport by sea;

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*Note* The IMDG Code defines a cargo transport unit as a road freight vehicle, a railway freight wagon, a freight container, a road tank vehicle, a railway tank wagon or a portable tank.

**gas carrier** has the same meaning as in Regulation 3 of Chapter II-1 of SOLAS.

**handling**, in relation to cargo, includes loading, unloading, stacking, stowing or restowing and any operation incidental to or arising from those operations.

**IMDG Code** means the International Maritime Dangerous Goods Code.

*Note 1* **International Maritime Dangerous Goods Code** is defined in the Navigation Act.

*Note 2* For the text of the IMDG Code — see <http://www.imo.org>. Information about the IMDG Code is available in a Marine Notice on AMSA's website at <http://www.amsa.gov.au>.

**IMSBC Code** has the same meaning it has in *Marine Order 34 (Solid bulk cargoes) 2007*.

**INF Code** means the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on board vessels, adopted by IMO Resolution MSC.88 (71), amended by Resolutions MSC.118 (74), MSC.135 (76), MSC.178 (79) and MSC.241 (83).

*Note 1* On and from 1 January 2001, the INF Code is mandatory under Chapter VII of SOLAS for vessels carrying INF cargo. The INF Code requires a vessel engaged in that trade to have an International Certificate of Fitness for the carriage of INF Cargoes.

*Note 2* The INF Code is contained in the Supplement to the IMDG Code.

**leakage and spillage** includes leakage and spillage of dry contents, and emission of radiation at levels that are either directly or indirectly injurious to human health.

**NLS tanker (or noxious liquid substances tanker)** has the same meaning as in Regulation 1 of Annex II to MARPOL.

**oil tanker** has the same meaning as in Regulation 1 of Annex I to MARPOL.

**originating shipper** means any person, organisation or Government which prepares a consignment of dangerous goods to be shipped by a consolidator in a cargo transport unit.

**person in charge** means the person in charge for *Marine Order 32 (Cargo Handling Equipment) 2011*.

**shipper** means any person, organisation or Government which prepares a consignment for transport and, in the case of dangerous goods shipped by cargo transport unit in less than full cargo transport unit load, includes the consolidator of those goods.

**tanker** means a chemical tanker, gas carrier, NLS tanker and an oil tanker.

**underdeck space** means a hold or a covered space that is used to stow cargo and includes a space within a superstructure or deck erection but does not include an open deck space for vehicles.

*Note 1* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2011*, including:

- General Manager, Ship Safety Division
- IMO
- Manager, Ship Inspection and Registration
- MARPOL
- Navigation Act
- SOLAS.

*Note 1* Other terms used in this Order are defined in the Navigation Act, including:

- AMSA
- master
- seafarer
- inspector.

### 3 Interpretation

- 3.1 For this Order, in regulation 5 of Chapter VII of SOLAS, *approved by the Administration* means:
- (a) for a regulated Australian vessel — approved by the Manager, Ship Inspection and Registration or a recognised organisation; and
  - (b) for a foreign vessel — approved by or for the Administration of the country where the vessel is registered.
- 3.2 Unless otherwise specified in this Order, a reference in this Order to ‘competent authority’ in the IMDG Code is, in relation to a shipment of dangerous goods from Australia, to be read as a reference to the Manager, Ship Inspection and Registration.
- 3.3 A reference in this Order to a class of dangerous goods is a reference to a class as defined in Part 2 of the IMDG Code.
- 3.4 Words and phrases defined in the IMDG Code have the same meaning in this Order, unless otherwise defined in this Order.

### 4 Application

- 4.1 Subject to subsection 4.2 and unless otherwise provided, this Order applies to, and in relation to:
- (a) the carriage of dangerous goods in:
    - (i) a regulated Australian vessel; and
    - (ii) a foreign vessel:
      - (A) in an Australian port; or
      - (B) entering or leaving an Australian port; or
      - (C) in the internal waters of Australia; or
      - (D) in the territorial sea of Australia, other than in the course of innocent passage; and
  - (b) persons engaged in:
    - (i) packing dangerous goods intended to be carried in such vessels;
    - (ii) loading dangerous goods on to such vessels;
    - (iii) stowing dangerous goods on such vessels; or
    - (iv) unloading dangerous goods from such vessels.
- 4.2 This Order does not apply to:
- (a) dangerous goods forming part of the equipment or stores required for the navigation, safety or maintenance of the vessel or required for the intended operations of the vessel; or
  - (b) dangerous goods to the extent that their handling is regulated under the *Explosives Act 1961*.

## 5 Modifications

- 5.1 A person may apply, in accordance with the application process mentioned in *Marine Order 1 (Administration) 2011*, for the modification of a requirement of this Order.
- 5.2 The decision maker for the application is the Manager, Ship Inspection and Registration.
- 5.3 The decision maker may allow a modification only if he or she is satisfied that allowing the modification would not:
- endanger person or property; or
  - contravene SOLAS.

*Note* *Marine Order 1 (Administration) 2011* deals with the following matters about exemptions and other matters referred to in it:

- 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.

## 5A Exemptions

- 5A.1 A person may apply, in accordance with the application process set out in *Marine Order 1 (Administration) 2011*, for an exemption of a vessel from a requirement of this Order.
- 5A.2 The decision maker for the application is the Manager, Ship Inspection and Registration.
- 5A.3 The decision maker may give an exemption only if he or she is satisfied that:
- requiring compliance with the requirement would be unreasonable; and
  - giving the exemption would not contravene SOLAS.

## 6 Review of decisions

A decision under this Order, other than a decision under section 5 or 5A, is taken to be a reviewable decision for section 18 of *Marine Order 1 (Administration) 2011*.

*Note* A decision under section 5 or 5A is also a reviewable decision for *Marine Order 1 (Administration) 2011* because it is mentioned in section 16 of that Order.

## 7 Requirements for dangerous goods and their packing, stowing and carriage

For subsection 112(6) of the Navigation Act, packing, stowing and carriage of dangerous goods must comply with the following requirements:

- Parts A and D of Chapter VII of SOLAS;
- the provisions of the IMDG Code that are expressed by the Code to be mandatory;
- Schedule 1;

(d) for goods to which the INF Code applies — the INF Code.

*Note 1* There may be additional requirements under the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*, and *Marine Order 94 (Marine pollution prevention — packaged harmful substances) 2009*, which give effect to the dangerous goods aspects of MARPOL.

*Note 2* Section 267 of the Navigation Act provides that an inspector may give a prohibition notice to the responsible person of a vessel about an activity involving a serious risk to the health or safety of a person.

*Note 3* If a vessel is required by SOLAS II-2/54.3 or SOLAS II-2/19.4, as appropriate, to carry a Document of Compliance for the carriage of dangerous goods, dangerous goods not carried in accordance with the Document of Compliance may be regarded as endangering the safety of the vessel.

*Note 4* See section 11 for further information about the powers of inspectors under section 260 of the Navigation Act to inspect vessels, premises and documentation. Failure to take reasonable steps to facilitate the boarding of a vessel by an inspector is an offence under subsection 258(4) of the Navigation Act.

*Note 5* Division 4 of Chapter 3 of the Navigation Act sets out various offences in relation to dangerous goods.

## 8 Requirements for training

8.1 Each employer of persons engaged in any activity relating to the handling, packing, stowing and carriage of dangerous goods must ensure that every such employee receives training, including refresher training, complying with Chapter 1.3 of the IMDG Code commensurate with his or her responsibilities.

*Note* Chapter 1.3 of the IMDG Code requires general awareness/familiarisation training and function-specific training for shore-based personnel.

8.2 In addition to subsection 8.1, an employer must ensure that the following function-specific training is provided by or as part of an accepted training course:

- (a) packing dangerous goods in packages;
- (b) marking, labelling or placarding dangerous goods;
- (c) loading or unloading cargo transport units; and
- (d) preparing transport documents for dangerous goods.

*Note 1* A list of accepted training providers is available on AMSA's website at [www.amsa.gov.au](http://www.amsa.gov.au)

*Note 2* Where a training provider has applied to the Manager, Ship Inspection and Registration, for acceptance of a training course, or the Manager, Ship Inspection and Registration, is satisfied that a training provider intends to apply for such acceptance, the course may be treated as an accepted training course until 1 January 2011, or until the course is assessed by the Manager, Ship Inspection and Registration, whichever is sooner. Training providers or employers opting to take advantage of this transitional arrangement must be aware that, if the course is found to be inadequate, then those trained will need to be trained or retrained in an accepted training course to the extent of the inadequacy.

8.3 An employer must keep a record of training that an employee receives under this provision for at least 5 years after the record was made.

## 9 Notice of intention to ship dangerous goods

### 9.1 How notification is to be made

9.1.1 For subsection 119(1) of the Navigation Act, this section specifies the following matters about the notice of intention to ship dangerous goods that is required to be given before any dangerous goods are shipped in a vessel:

- (a) the manner of giving the notice;
- (b) the person to whom the notice must be given.

*Note* Subsection 119(2) of the Navigation Act provides that contravention of subsection 119(1) of the Navigation Act is an offence with a penalty of imprisonment for 12 months or 60 penalty units, or both.

9.1.2 The manner of giving notice is by completing a Multimodal Dangerous Goods Form, in accordance with Chapter 5.4 of the IMDG Code, and the person or persons to whom that form must be provided is as follows:

- (a) if the dangerous goods are to be consolidated in a cargo transport unit:
  - (i) the originating shipper must give a copy of the Multimodal Dangerous Goods Form to the consolidator; and
  - (ii) the consolidator must give a copy of all of the Multimodal Dangerous Goods Forms relevant to the cargo transport unit to the master of the vessel;
- (b) in any other case—the shipper must give a copy of the Multimodal Dangerous Goods Form to the master of the vessel; and
- (c) if requested by an inspector, the shipper must give a copy of the Multimodal Dangerous Goods Form to the inspector at the AMSA office that is at, or near to, the port of loading.

*Note 1* A consolidator providing documentation on behalf of the originating shipper must meet the notification requirements of the originating shipper as well as those of the consolidator.

*Note 2* The Multimodal Dangerous Goods Form as set out in the IMDG Code is available from AMSA's website: [www.amsa.gov.au](http://www.amsa.gov.au). The Multimodal Dangerous Goods Form may be faxed or emailed to AMSA using the contact details set out in the Multimodal Dangerous Goods Form. Strict adherence to the layout of the form is not required provided all the information mentioned in the Multimodal Dangerous Goods Form is given. If a shipper uses an electronic means to send the Multimodal Dangerous Goods Form, the shipper must identify himself or herself. If information in the Multimodal Dangerous Goods Form is illegible or the person completing the Form cannot be identified, notice will not be taken to have been given in accordance with the Navigation Act.

*Note 3* A shipper or consolidator should ensure that, before a Multimodal Dangerous Goods Form is signed or otherwise forwarded in compliance with this Order, it has been prepared by a person who has received appropriate training in accordance with section 8.

9.1.3 A Competent Authority Approval and Certificate that relates to the dangerous goods mentioned in subsection 9.1.2, must be given to the following persons:

- (a) if the dangerous goods are to be consolidated in a cargo transport unit:
  - (i) the originating shipper must give a copy of the Competent Authority Approval and Certificate to the consolidator; and
  - (ii) the consolidator must give a copy of the Competent Authority Approval and Certificate covering the cargo transport unit to the master of the vessel;

- (b) in any other case — the shipper must give a copy of the Competent Authority Approval and Certificate to the master of the vessel; and
  - (c) if requested by an inspector, the shipper must give a copy of the Competent Authority Approval and Certificate to the surveyor at the AMSA office that is at, or near to, the port of loading.
- 9.1.4 The Multimodal Dangerous Goods Form and the Competent Authority Approval and Certificate (if any) must be given to the master as soon as practical after arrival of the vessel at the port of shipment and in any case before the goods are loaded on board the vessel.
- 9.1.5 The master must provide to an inspector at the AMSA office at or nearest to the port of loading a special list or manifest relating to the goods that are to be loaded on board the vessel in accordance with subsection 9.1.6.

Penalty: 50 penalty units.

*Note 1* Although in many cases the special list or manifest may be prepared and submitted by a person acting on the master's behalf (e.g. the vessel's agent), the master is responsible for ensuring that it is provided to the inspector.

*Note 2* An example of a special list or manifest is the 'Dangerous Goods Manifest' which is found in IMO Circular FAL.2/Circ.51/Rev1 and reproduced in the Appendix to the Supplement to the IMDG Code. Other forms that provide information similar to that set out in the 'Dangerous Goods Manifest' are also acceptable.
- 9.1.5A An offence against subsection 9.1.5 is a strict liability offence.
- 9.1.5B A person is liable to a civil penalty if the person contravenes subsection 9.1.5.

Civil penalty: 50 penalty units.
- 9.1.6 The special list or manifest referred to in subsection 9.1.5 must be provided as soon as practicable, but in any case before the goods are placed on board the vessel. If it is not practicable for all the information required to be provided at least 24 hours before the goods are to be loaded, the master must provide the following information at least 24 hours before the goods are to be loaded:
  - (a) vessel name;
  - (b) the vessel's IMO number;
  - (c) port of loading;
  - (d) date of loading and departure; and
  - (e) classes of goods being loaded.
- 9.1.7 The master must inform an inspector at the AMSA office at, or nearest to, the port of loading in writing of any subsequent changes to the special list or manifest before the goods are loaded on board the vessel.

Penalty: 50 penalty units.
- 9.1.8 An offence against subsection 9.1.7 is a strict liability offence.
- 9.1.9 A person is liable to a civil penalty if the person contravenes subsection 9.1.7.

Civil penalty: 50 penalty units.
- 9.2 Transshipment of dangerous goods
  - 9.2.1 This provision applies to dangerous goods in packaged form that are being transhipped in Australia.
  - 9.2.2 Subsection 9.1 applies to dangerous goods in packaged form that are repacked in Australia.

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- 9.2.3 If subsection 9.2.2 does not apply, it is sufficient for the person organising the transhipment to:
- (a) give the master:
    - (i) a copy of the dangerous goods transport documentation covering the previous part of the voyage;
    - (ii) a copy of the Multimodal Dangerous Goods Form containing ship and voyage information for the intended voyage that is endorsed to the effect that the goods are being transhipped; and
  - (b) if requested by an inspector — give the inspector at the AMSA office that is at, or near to, the port of loading, a copy of the documents mentioned in paragraph (a).

*Note* A Multimodal Dangerous Goods Form is an example of a dangerous goods transport document. See Chapter 5.4 of the IMDG Code for further information.

### 9.3 Definition

In this provision:

**Competent Authority Approval and Certificate** has the meaning given by clause 7.9.2 of the IMDG Code but does not include an approval or a certificate issued under Chapters 6.1 to 6.9.3 of the IMDG Code which relates to bulk containers, intermediate bulk containers, multiple element gas containers, packagings, portable tanks or road tank vehicles.

## 10 Responsibilities of master, person in charge and individuals

### 10.1 Responsibility of master

- 10.1.1 If dangerous goods are on board a vessel, or are to be loaded into or onto a vessel, or unloaded from a vessel, the master must ensure a safe system of work for crew members and other persons on board the vessel. In particular, the master must ensure that:
- (a) adequate warning of the risks are given to crew members and other persons on board the vessel and that they are advised of suitable precautions to be taken;
  - (b) any incident involving dangerous goods, including leakage and spillage of goods that are or might be dangerous goods, occurring on board the vessel are reported as soon as possible to an inspector;
  - (c) no bunkering is carried out at any time during the handling of dangerous goods of Class 1 (other than Class 1.4S); and
  - (d) radio transmitters are not operated in an unsafe manner during loading or unloading of explosive articles.

Penalty: 50 penalty units.

*Note 1* The precautions mentioned in this subsection are in addition to the safety requirements of *Marine Order 32 (Cargo Handling Equipment) 2011*.

*Note 2* AMSA Form 18 may be used to report an incident. Form 18 is available from AMSA's website: [www.amsa.gov.au](http://www.amsa.gov.au). In addition, the port authority nearest to the location of the incident may need to be notified.

*Note 3* A portable VHF or UHF radio transmitter, other than a mobile telephone, may be operated near an explosive article if the transmitter's aerial or aerial system is more than 2 metres from that article. However, a radio transmitter or radar transmitter, including a mobile

telephone, must not be operated within 100 metres of any explosive article. Radio transmitters and radar transmitters located on the vessel must be made inoperable by either opening the main power switches to the transmitters or by operation of interlocks. Appropriately located notices must be displayed warning against the operation or energizing of transmitters.

10.1.2 An offence against subsection 10.1.1 is a strict liability offence.

10.1.3 A person is liable to a civil penalty if the person contravenes subsection 10.1.1.

Civil penalty: 50 penalty units.

## 10.2 Responsibility of person in charge

10.2.1 If dangerous goods are on board a vessel, or are to be loaded into or onto a vessel, or unloaded from a vessel, the person in charge must ensure a safe system of work for persons engaged in loading or unloading of cargo. In particular, the person in charge must ensure that:

- (a) adequate warning of the risks are given to persons engaged in loading or unloading of cargo and that they are advised of suitable precautions to be taken;
- (b) any incident involving dangerous goods, including leakage and spillage of goods that are or might be dangerous goods, occurring during loading or unloading onto a vessel, or prior to loading onto a vessel, is reported as soon as possible to an inspector;
- (c) dangerous goods showing evidence of damaged packagings are not handled without permission of an inspector;
- (d) goods that are, or might be, dangerous goods that are leaking or spilling are not handled without permission of an inspector; and
- (e) radio transmitters are not operated in an unsafe manner during loading or unloading of explosive articles.

Penalty: 50 penalty units.

*Note 1* AMSA Form 18 may be used to report an incident. Form 18 is available from AMSA's website: In addition, the port authority nearest to the location of the incident may also need to be notified.

*Note 2* A portable VHF or UHF radio transmitter, other than a mobile telephone, may be operated near an explosive article if the transmitter's aerial or aerial system is more than 2 metres from that article. However, a radio transmitter or radar transmitter, including a mobile telephone, must not be operated within 100 metres of any explosive article. Appropriately located notices must be displayed warning against the operation or energizing of transmitters.

10.2.2 An offence against subsection 10.2.1 is a strict liability offence.

10.2.3 A person is liable to a civil penalty if the person contravenes subsection 10.2.1.

Civil penalty: 50 penalty units.

## 10.3 Responsibility of individuals

10.3.1 If dangerous goods are on board a vessel, or are to be loaded into or onto a vessel, or unloaded from a vessel, each person on board a vessel, or engaged in loading or unloading of cargo, must:

- (a) act upon any warnings or advice given to him or her by the master or person in charge;
- (b) refrain from smoking, except in such part of the vessel as the master designates for such purpose;

- (c) not use or permit another person to use a spark or flame, except in such part of the vessel as the master designates for such purpose; and
- (d) not engage in, or permit another person to engage in, metal welding or cutting, on a vessel while dangerous goods are on board, except in such part of the vessel as the master designates for such purpose.

Penalty: 50 penalty units.

*Note* The local port authority should also be consulted before any burning or welding is carried out within port limits, on a vessel containing dangerous goods.

10.3.2 An offence against subsection 10.3.1 is a strict liability offence.

10.3.3 A person is liable to a civil penalty if the person contravenes subsection 10.3.1.

Civil penalty: 50 penalty units.

## **11 Inspections**

11.1 An inspector may inspect any cargo transport unit or package in which dangerous goods:

- (a) have been packed; or
- (b) are being packed; or
- (c) are intended to be packed;

in order to establish whether the relevant provisions of the IMDG Code are being complied with.

*Note* To enable AMSA to carry out this function, under section 260 of the Navigation Act, inspectors have wide powers to inspect vessels, premises and documentation. Failure to take reasonable steps to facilitate the boarding of a vessel by an inspector is an offence under subsection 258(4) of the Navigation Act.

11.2 An inspector may carry out audits, in accordance with Chapter 1.3 of the IMDG Code.

11.3 A person must not refuse a reasonable request from an inspector to carry out an audit under subsection 11.2.

Penalty: 50 penalty units.

11.4 An inspector may inspect any dangerous goods on board a vessel arriving at a port in Australia.

11.5 If an inspector considers that a cargo transport unit or package containing dangerous goods, or dangerous goods contained in the cargo transport unit or package, do not comply with the relevant provisions of the IMDG Code, the inspector may direct that the cargo transport unit or package must not be loaded on or unloaded from a vessel until:

- (a) the inspector is satisfied that:
  - (i) the cargo transport unit or package complies with the relevant provisions of the IMDG Code; or
  - (ii) the dangerous goods contained in the cargo transport unit or package comply with the relevant provisions of the IMDG Code; or
- (b) specified conditions have been met.

11.6 A person must not load or unload a cargo transport unit or package on or from a vessel in contravention of a direction given under subsection 11.5.

Penalty: 50 penalty units.

- 11.7 An offence against subsection 11.3 or 11.6 is a strict liability offence.
- 11.8 A person is liable to a civil penalty if the person contravenes subsection 11.3 or 11.6.

Civil penalty: 50 penalty units.

## 12 Information on incident response

- 12.1 The owner of a vessel on which it is intended to carry dangerous goods in packaged form must issue detailed instructions on emergency response and medical first aid relevant to incidents involving those goods which comply with Regulation VII/2.4 of SOLAS.

Penalty: 50 penalty units.

*Note* An owner who complies with chapter 5.4.3.2 of the IMDG Code (Emergency response information) will meet the requirements of this section.

- 12.2 The master of a vessel on which dangerous goods in packaged form are to be carried must ensure that the detailed instructions on emergency response and medical first aid issued by the vessel's owner are readily available on board the vessel.

Penalty: 50 penalty units.

- 12.3 An offence against subsection 12.1 or 12.2 is a strict liability offence.

- 12.4 A person is liable to a civil penalty if the person contravenes subsection 12.1 or 12.2.

Civil penalty: 50 penalty units.

## 13 Incidents at sea involving dangerous goods

- 13.1 If an incident takes place involving the loss, or the likely loss, overboard of dangerous goods in packaged form into the sea, the master or other person having charge of the vessel must report the particulars of such incident without delay and to the fullest extent possible to the nearest coastal State.

Penalty: 50 penalty units.

*Note* The reporting requirement under subsection 13.1 is met if a marine pollutant incident report is made under *Marine Order 94 (Marine pollution prevention — packaged harmful substances) 2009*.

- 13.2 In the event of a vessel referred to in subsection 13.1 being abandoned, or in the event of a report from such a vessel being incomplete or unobtainable, the operator of the vessel, or agent of the vessel, must make or complete the report.

Penalty: 50 penalty units.

- 13.3 An offence against subsection 13.1 or 13.2 is a strict liability offence.

- 13.4 A person is liable to a civil penalty if the person contravenes subsection 13.1 or 13.2.

Civil penalty: 50 penalty units.

## 14 Carrying dangerous goods in packaged form or in solid form in bulk — certificates

- 14.1 The master of a vessel must not permit dangerous goods in packaged form or in solid form in bulk to be loaded onto a vessel if each certificate mentioned in subsection 14.5 is not in force for the vessel.

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- 14.2 The owner of a vessel must ensure that dangerous goods in packaged form or in solid form in bulk are not loaded onto the vessel if each certificate mentioned in subsection 14.5 is not in force for the vessel.
- 14.3 An offence against subsection 14.1 or 14.2 is a strict liability offence.
- 14.4 A person is liable to a civil penalty if the person contravenes subsection 14.1 or 14.2.
- Civil penalty: 50 penalty units.
- 14.5 For subsections 14.1 and 14.2, the certificates are:
- (a) a Cargo Ship Safety Construction Certificate mentioned in *Marine Order 31 (Ship surveys and certification) 2006*; and
  - (b) a document of compliance to carry dangerous goods, in accordance with Regulation 19.4 of Chapter II-2 of SOLAS.
- 14.6 For subsection 99(1) of the Navigation Act, each kind of certificate mentioned in subsection 14.5 is a safety certificate.
- 14.7 For paragraph 100(1)(b) of the Navigation Act, the criteria for the issue of a safety certificate mentioned in subsection 14.5 for a regulated Australian vessel are:
- (a) for a Cargo Ship Safety Construction Certificate — the criteria mentioned for the certificate in *Marine Order 31 (Ship surveys and certification) 2006*; and
  - (b) for a document of compliance to carry dangerous goods:
    - (i) the criteria mentioned in paragraph (a); and
    - (ii) that the vessel is suitable for carriage of the classes of dangerous goods mentioned in tables 19.1, 19.2 and 19.3 of Regulation 19 of Chapter II-2 of SOLAS; and
    - (iii) that the vessel complies with the IMDG Code and the IMSBC Code for the substances, materials or articles that it is to carry.
- 14.8 For paragraph 314(3)(h) of the Navigation Act, a safety certificate mentioned in subsection 14.5 ceases to be in force at the earlier of:
- (a) the end of the period mentioned in the certificate; or
  - (b) when it is revoked.
- 14.9 For subsection 101(1) of the Navigation Act, the criteria for variation of a safety certificate mentioned in subsection 14.5 are the criteria mentioned in paragraph 23(b) of *Marine Order 31 (Ship surveys and certification) 2006*.
- 14.10 For subsection 102 of the Navigation Act, the criteria for revocation of a safety certificate mentioned in subsection 14.5 are the criteria mentioned in paragraph 23(c) of *Marine Order 31 (Ship surveys and certification) 2006*.

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## **Schedule 1 Interpretations, amplifications and requirements supplementary to the IMDG Code**

### **1 Application**

The provisions of this Schedule apply to a vessel and to the packing, stowing or carriage of dangerous goods in relation to a vessel, if the vessel is:

- (a) registered in Australia:
  - (i) when loading dangerous goods in an Australian port; and
  - (ii) when loading dangerous goods in a port of another country provided that such loading must, in the case of conflict, comply with the statutory requirements of that country; and
- (b) registered in a country other than Australia — when the vessel is loading dangerous goods in an Australian port.

### **2 Interpretation of the IMDG Code**

In applying the IMDG Code, foodstuffs means any food, pharmaceutical or other material intended for human or animal ingestion but does not include skin creams and liniments etc. not meant for ingestion.

### **3 Packaging Approval**

- 3.1 Subject to clause 3.2, packagings for dangerous goods must be tested to the requirements of Part 6 of the IMDG Code and approved by the competent authority.

*Note 1* Part 6 of the IMDG Code is 'Construction and testing of packagings, immediate bulk containers (IBCs), large packagings, portable tanks, multiple element gas containers and road tank vehicles'.

*Note 2* Packagings approved by State and Territory government competent authorities to the requirements of the Australian Dangerous Goods Code, or the UN Recommendations on the Transport of Dangerous Goods (colloquially known as the 'Orange Book') are acceptable, provided that such requirements are not inferior to those in the IMDG Code.

- 3.2 All Type B packaging for radioactive materials must be approved by the Manager, Ship Inspection and Registration.

### **4 Cargo transport units**

- 4.1 The packing of cargo transport units must comply with the IMO/ILO/UN ECE *Guidelines for Packing of Cargo Transport Units*.

*Note* The Guidelines for Packing of Cargo Transport Units can be found in the Supplement to the IMDG Code.

- 4.2 The packing of dangerous goods into cargo transport units must be supervised by a competent person:
- (a) with a knowledge of:
    - (i) the requirements of the IMDG Code; and
    - (ii) the IMO/ILO/UN ECE Guidelines for Packing of Cargo Transport Units; and
  - (b) trained in accordance with Chapter 1.3 of the IMDG Code.
- 4.3 A cargo transport unit in transit under fumigation:

- (a) must comply with the relevant provisions of the Recommendations on the Safe Use of Pesticides in Ships; and
- (b) must, as far as practicable, comply with the relevant provisions of the IMO/ILO/UN ECE Guidelines for Packing of Cargo Transport Units.

*Note* The Recommendations on the Safe Use of Pesticides in Ships can be found in the Supplement to the IMDG Code.

## 5 Portable Tanks, including Tank Containers

### 5.1 Interpretation

#### 5.1.1 In Chapters 6.7, 6.8 and 6.9 of the IMDG Code:

authorized body means:

- (a) a recognised organisation; or
- (b) a State or Territory competent authority for road or rail transport;

**national material standards** means the yield and ultimate strength, ductility and other mechanical or chemical criteria specified in Australian Standard AS 1210 (Pressure Vessels) or, if such details are not specified in AS 1210, as determined by the Manager, Ship Inspection and Registration; and

**recognised pressure vessel code** means, for tanks designed and built for registration in Australia, the Australian Standard AS 1210 (Pressure Vessels) or another standard which is:

- (a) applicable to marine transport;
- (b) suitable for pressures under consideration;
- (c) suitable for the types of substances to be carried in the portable tank; and
- (d) otherwise appropriate and acceptable to the Manager, Ship Inspection and Registration.

*Note* Part 6 of the IMDG Code is 'Construction and testing of packagings, immediate bulk containers (IBCs), large packagings, portable tanks, multiple element gas containers and road tank vehicles'.

#### 5.1.2 Where the IMDG Code specifies compliance with the requirements of the competent authority for road or rail transport, this means compliance with the relevant sections of the Australian Code for the Transport of Dangerous Goods by Road and Rail.

### 5.2 Additional requirements

In addition to the requirements of this Order:

- (a) the frames of tank containers must be constructed, tested and marked in accordance with the requirements of *Marine Order 44 (Safe containers) 2002*; and
- (b) portable tanks, other than tank containers, that are designed to be lifted must be tested and marked in accordance with *Marine Order 32 (Cargo handling equipment) 2011*.

## 6 Stowage on deck

If dangerous goods are stowed on deck, they must not obstruct:

- (a) the approach to, or exit from (including an emergency escape route), any accommodation space, working space, hold or underdeck space; or

- (b) the access to, or interfere with the operation of, any life-saving appliances, fire-fighting appliances, closing appliances or the proper navigation of the ship.

## **7 Special requirements for particular substances**

### **7.1 Interpretation**

In Chapter 7.8.3.1 of the IMDG Code, the competent authority is the Department of the Environment, Water, Heritage and the Arts.

### **7.2 Class 1 — explosives**

7.2.1 The detailed examination required by Chapter 7.4.6.4.2 of the IMDG Code of a cargo transport unit to be loaded with goods of Class 1 must, subject to clause 7.2.2, be carried out by an inspector before the cargo transport unit is packed.

7.2.2 Because the nature and quantity of goods of Class 1.4S may be of low risk, an inspector may determine that an inspection by an inspector of a cargo transport unit to be loaded only with goods of Class 1.4S is unnecessary. In such cases the shipper must:

- (a) ensure that the cargo transport unit is structurally serviceable; and
- (b) meet other requirements of Chapter 7.4.6.4.2 of the IMDG Code.

7.2.3 Explosives must not be carried in a tanker except with the approval of the Manager, Ship Inspection and Registration, such approval being subject to such conditions as the Manager, Ship Inspection and Registration considers necessary.

*Note 1* Chapter 7.4 of the IMDG Code provides for transport of cargo transport units on board ships.

*Note 2* State or Territory legislation for road or rail transport may require the lining of containers or the like for other Class 1 substances or articles.

*Note 3* Requests for inspection of shipments of Class 1 dangerous goods must be made as early as possible to an inspector at the AMSA office at, or nearest to, the place of inspection.

### **7.3 Class 7 — radioactive material**

The safe stowage and securing of Class 7 radioactive material, both in a cargo transport unit and on board ship, is to be verified by examination by an inspector in a manner determined by the Manager, Ship Inspection and Registration, to be appropriate to the radioactive hazard presented by the cargo.

*Note* Requests for verification of shipments of Class 7 dangerous goods should be made as early as possible, and in the case of a cargo transport unit prior to packing, to an inspector at the AMSA office at or nearest to the place of inspection.

### **7.4 Hazardous waste materials**

All export shipments of hazardous waste materials must have attached to the Multimodal Dangerous Goods Form, relevant to the shipment, a copy of the waste movement document as required by Chapter 7.8.3.2 of the IMDG Code and provided by the Department of the Environment, Water, Heritage and the Arts.

*Note* Such shipments also need to comply with the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*. This Act is administered by the Department of the Environment, Water, Heritage and the Arts.

## **8 Stowage of toxic and flammable gases or liquids below deck**

### **8.1 Application**

A vessel will not be permitted to load or carry flammable liquids of packaging group I or II or flammable gases (whether by main or subsidiary risk) in an underdeck space unless the Document of Compliance required by regulation 19.4 or regulation 54.3, as applicable, of Chapter II-2 of SOLAS, permits such carriage. Where neither of those regulations apply to a vessel, and no Document of Compliance is carried, flammable gases or liquids will only be permitted to be loaded in a specified underdeck space when authorised by the flag Administration, having regard to the precautions listed in clauses 8.2 to 8.4.

*Note* Regulation 19.4 refers to Chapter II-2 of SOLAS Consolidated Edition 2009. Regulation 54.3 refers to Chapter II-2 of SOLAS Consolidated Edition 2001.

### **8.2 Electrical**

- 8.2.1 All switches, fuses, lamp fittings or other electrical appliances in the compartment must be electrically isolated.
- 8.2.2 If the electric cables and junction boxes in a compartment cannot be electrically isolated, dangerous goods may only be stowed in the compartment if that compartment complies with the following requirements:
- (a) the electric cables must be:
    - (i) enclosed in heavy gauge steel conduit; or
    - (ii) protected by an electrically continuous metal sheathing and steel wire armouring; or
    - (iii) of the mineral insulated metal sheathed type;
  - (b) tests of the insulation resistance of any cable traversing the compartment must be made to ascertain the condition of the cable and an inspector must be satisfied with the results of those tests;
  - (c) any junction box in the compartment serving a circuit that is not isolated must be:
    - (i) gas tight;
    - (ii) of sound construction; and
    - (iii) sited or protected to prevent mechanical damage;
  - (d) a live circuit must not include or serve an electrical appliance in the compartment.

### **8.3 Ventilation**

- 8.3.1 Ventilators serving the compartment must be so sited that exhaust gases and vapours are safely dispersed so as not to endanger the vessel or persons on board.
- 8.3.2 The compartment must be thoroughly ventilated after the dangerous goods have been discharged and no source of ignition is to be introduced into the compartment until the danger of explosion or fire has been removed.

### **8.4 Bilges and wells**

If a flammable or toxic gas or liquid is stowed in a compartment, the bilge suction pipe from that compartment into the machinery space must be isolated

either by fitting a blank flange or by a closed lockable valve. Warning notices must be displayed at appropriate conspicuous locations.

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## Notes to *Marine Order 41(Carriage of dangerous goods) 2009*

### Note 1

*Marine Order 41(Carriage of dangerous goods) 2009* (in effect under subsection 343(2) of the *Navigation Act 2012*) as shown in this compilation comprises *Marine Order 41(Carriage of dangerous goods) 2009* amended and modified as indicated in the following tables.

#### Table of Orders

Year and number	Registration date	FRLI number	Commencement date	Application, saving or transitional provisions
<i>Marine Orders Part 41, issue 10</i> (MO 2009/11)	8 December 2009	F2009L04530	1 January 2010	–
<i>Marine Orders Part 41 Amendment 2011 (No. 1)</i> (MO 2011/5)	5 July 2011	F2011L01406	sections 1 to 3 and Schedule 1 – 15 July 2011; Schedule 2 – 1 January 2012	–
<i>Marine Order 4 (Transitional modifications) 2013</i> (MO2013/3)	30 May 2013	F2013L00871	1 July 2013	Section 3 and Schedules 1-42

#### Table of amendments

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted   mod. = modified

Provision affected	How affected
1.....	am. MO 2011/5; mod. 2013/3
2.....	am. MO 2011/5; mod. 2013/3
3.....	am. MO 2011/5; mod. 2013/3
6.....	am. MO 2011/5; mod. 2013/3
8.....	am. MO 2011/5; mod. 2013/3
9.....	am. MO 2011/5; mod. 2013/3
11.....	am. MO 2011/5; mod. 2013/3
14.....	ad. MO 2011/5; rep. MO 2011/5; mod. 2013/3
Appendix 1.....	am. MO 2011/5; mod. 2013/3