

External CONSULTATION ON DRAFT MARINE ORDER 44 (2019)

Please provide your comments via <https://www.amsa.gov.au/news-community/consultations/have-your-say-make-submission>
by 1st March 2019

This table shows the comparable text of MO44 issue 5 (2002) and draft MO44 (2019). Please read this page before you go through the comparison table for better understanding of the new drafting style.

1. Please first review the contents of the new draft MO for the movement of existing provisions. Take the time to get familiar with the new structure before you put written comments by email.
2. Draft MO44 addresses the following revised and new policies:
 - Policy 1 - Amend the Marine Order to capture amendments to the Convention by resolution MSC.355 (92).
 - Policy 2 - Reissue the Marine Order under the Navigation Act of 2012 in the modern drafting style and replace schedule 24 of *Marine Order 4 (Transitional Modifications) 2013*.
 - Policy 3 -Amend the Marine Order to capture offshore containers.
3. The *Navigation Act 2012* provides the head of power for MO44 – note the 2012 Act uses different terms from the previous 1912 Act, so the wording of the new draft Marine Order needs to be consistent with the 2012 Act. The reissued Order is in the modern drafting style, including replacement of terms, officer positions and ‘surveyor’ with the term ‘AMSA’. The forms, removed from the schedules of the Order, are now referred to as approved forms available on the AMSA website (see below). Note also that changes to style in the Order are in context with section 15AC of the Acts Interpretation Act. This relates to changes to style which do not affect meaning where an Act has expressed an idea in a particular form of words, and a later Act appears to have expressed the same idea in a different form of words for the purpose of using a clearer style. Different forms of words have been used but the ideas have not changed. Noting the new drafting style used, we would request you review the comparison to ensure that the intent of the current order is captured in the new draft.

Existing text MO 44 (Safe Containers) 2002	Draft MO44 (Safe Container) issue190124B	Comment on changes
<p>This is a compilation of <i>Marine Order 44 (Safe containers) 2002</i>, prepared on 5 June 2013, taking into account amendments up to <i>Marine Orders Part 44 Amendment 2012 (No. 1)</i> and modifications made by <i>Marine Order 4 (Transitional modifications) 2013</i>.</p> <p>Subsection 343(2) of the <i>Navigation Act 2012</i> provides that the Marine Orders may provide for specified orders that were in force under the <i>Navigation Act 1912</i> immediately before its repeal to have effect, for the <i>Navigation Act 2012</i>, with the modifications made for it in the Marine Orders.</p> <p><i>Marine Order 4 (Transitional modifications) 2013</i> provides for this Order to have effect and makes modifications for it.</p> <p>This compilation is not a compilation for the <i>Legislative Instruments Act 2003</i>, and so is not registered on the Federal Register of Legislative Instruments.</p> <p>Prepared by the Office of Legislative Drafting, Australian Maritime Safety Authority.</p>		<p>Policy setting 2: modern drafting style.</p>

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<p>1A Name of Order This Order is <i>Marine Order 44 (Safe containers) 2002</i>.</p>	<p>Division 1 Preliminary</p> <p>1 Name of Order This Order is <i>Marine Order 44 (Safe Containers) 2019</i>.</p> <p>1A Commencement This Order commences on 1 May 2019.</p> <p>1B Repeal of Marine Order 44 (Safe containers) 2002 <i>Marine Order 44 (Safe containers) 2002</i> is repealed.</p>	<p>Policy setting 1 – Amend the Marine Order</p> <p>Policy setting 2: modern drafting style.</p>
<p>1 Purpose This Order gives effect to the Container Convention.</p>	<p>2 Purpose (1) This Order: (a) gives effect to the Container Convention; and (b) gives effect to the International Maritime Organization's <i>Guidelines for the approval of offshore containers handled in open seas</i>.</p>	<p>Provides for the order to regulate CSC and offshore containers.</p>
<p>1B Power</p> <p>1B.1 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.</p> <p>1B.2 Paragraph 340(1)(f) of the Navigation Act provides for the regulations to give effect to the Container Convention.</p> <p>1B.3 Subsection 342(1) of the Navigation Act provides for the making of orders for matters that can be made by the regulations.</p>	<p>3 Power (1) The following provisions of the Navigation Act provide for this Order to be made: (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 can provide for the loading, stowage and carriage of cargo in vessels and the unloading of cargo from vessels; (c) paragraph 340(1)(f) which provides that the regulations may give effect to the Container Convention; (d) subsection 341(1) which provides for the imposition of penalties for a contravention of a provision of the regulations. (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 Act. (3) Subsection 342(1) of the Navigation Act provides that AMSA may make a Marine Orders about matters that can be provided for by regulation.</p>	<p>Powers 112(4) and 112(5) have been added to allow for coverage of offshore containers.</p> <p>Power 341(1) added to allow the Order to impose penalties.</p>
<p>2 Definitions In this Order:</p>	<p>4 Definitions In this Order:</p>	

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<p>approved means approved by the Manager, Ship Inspection and Registration or an authorised organisation.</p>	<p>Administration means:</p> <ul style="list-style-type: none"> (a) for a container or offshore container that is approved in Australia —AMSA; or (b) for a container or offshore container that is approved outside of Australia — the government of the approving country. <p>ACEP Guidelines means the <i>Guidelines for development of an approved continuous examination programme (ACEP)</i> mentioned in the Container Convention, as amended from time to time.</p> <p>approval plate means a plate that meets the requirements for an approval plate mentioned in the <i>Guidelines for the approval of offshore containers handled in open seas</i>.</p> <p>approved means:</p> <ul style="list-style-type: none"> (a) for a container— approved, in accordance with the Container Convention; or (b) for an offshore container— approved, in accordance with the <i>Guidelines for the approval of offshore containers handled in open seas</i>. <p>approving competent authority means an organisation duly authorised by the Administration to give an approval for an offshore container.</p> <p>Note For details of approving competent authorities, or for information on the application process to become an approving competent authority — see the AMSA website at http://www.amsa.gov.au.</p> <p>Australian installation means an installation that is deemed to be part of Australia.</p>	<p>Administration added to clarify who is an administration for a container.</p> <p>ACEP Guidelines added to explain what guidelines the Order is referring to Container Convention containers under a continuous examination program</p> <p>New drafting style Amendments to the Marine Order delegation will be made to reflect who in AMSA has the delegated power.</p> <p>The term is used in the MSC./Circ.860</p>

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<p>authorised organisation means an organisation authorised in writing by the Manager, Ship Inspection and Registration to give any approval and to undertake any testing or examination specified in this Order.</p> <p><i>Note</i> A recognised organisation may be an authorised organisation.</p> <p>container cargo means any goods, wares, merchandise and articles of every kind whatsoever carried in a container.</p> <p>container means an article of transport equipment:</p> <ul style="list-style-type: none"> ○ of a permanent character and accordingly strong enough to be suitable for repeated use; ○ specially designed to facilitate the transport of goods, by one or more modes of transport, without intermediate reloading; ○ designed to be secured and/or readily handled, having corner fittings for these purposes, <p>and includes a container carried on a chassis, but does not include vehicles or packaging.</p> <p>date means month and year only.</p> <p>fireproof means capable of withstanding and remaining legible after not less than 5 minutes exposure to a temperature of 500°C, when mounted on the specified material of construction of the container;</p> <p>g means the standard acceleration of gravity, and equals 9.8 m/s²</p>	<p>authorised organisation means a corporation or organisation that is mentioned in Schedule 1 of <i>Marine Order 1 (Administration) 2013</i>, or an organisation authorised in writing by AMSA to give an approval mentioned in this Order.</p> <p><i>Note</i> For details of additional authorised organisations, or for information on the application process to become an authorised organisation — see the AMSA website at http://www.amsa.gov.au.</p> <p>continuous examination program means a program for continuous examination of containers developed in accordance with the ACEP Guidelines.</p> <p>g means the standard acceleration of gravity and g equals 9.8 m/s² as mentioned in the Container Convention.</p> <p>Guidelines for the approval of offshore containers handled in open Seas means the guidelines adopted by the International Maritime Organization MSC/Circ. 860, as in force from time to time.</p>	<p>Authorised organisation changed to new drafting style, and identifies where to locate who is an AO</p> <p>Continuous examination program added to provide explanation of a continuous examination program and ACEP.</p> <p>Container cargo removed as it is defined in the Convention and not referenced in this Order.</p> <p>Container removed as it is defined in the Convention and therefore under section '5 Interpretation' is given to have the same meaning.</p> <p>Definition of date is clarified in the CSC</p> <p>Definition of Guidelines added to allow for offshore container standards.</p>

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<p>international sea transport means the transportation of a container by vessel between a port in Australia and a port in a country other than Australia.</p> <p>inter-State sea transport means the transportation of a container by vessel between:</p> <ul style="list-style-type: none"> o a port in a State and a port in another State; o a port in a State and a port in a Territory; or o a port in a Territory and a port in another Territory. <p>loaded on to a vessel includes a reference to any handling incidental to the operation of loading on to a vessel.</p> <p>maximum operating gross mass means the maximum allowable sum of the mass of a container and its container cargo.</p> <p>maximum permissible payload (P) means the difference between the maximum operating gross mass and the tare mass of a container.</p>	<p>inspection plate, for an offshore container, means a plate that meets the requirements for an inspection plate mentioned in the <i>Guidelines for the approval of offshore containers handled in open seas</i>.</p> <p>international sea transport means the transportation of a container or an offshore container by vessel between a port in Australia and a port in a country other than Australia.</p> <p>inter-State sea transport means the transportation of a container or an offshore container by vessel between:</p> <ul style="list-style-type: none"> (a) a port in a State and a port in another State; (b) a port in a State and a port in a Territory; or (c) a port in a Territory and a port in another Territory. <p>intra-State sea transport means the transportation of a container or an offshore container between ports in the same State or Territory.</p> <p>loaded onto a vessel includes any handling incidental to the operation of loading onto a vessel.</p> <p>MODU (mobile offshore drilling unit) means a vessel capable of engaging in drilling operations for the exploration for or the exploitation of resources beneath the seabed (eg liquid or gaseous hydrocarbons, sulphur or salt). Note This definition is based on the 2009 MODU Code.</p> <p>new container means a container that was made after 22 February 1981.</p>	<p>Definition of Inspection plate added to allow for offshore container standards.</p> <p>Intra-State sea transport is defined to cover transport within a state.</p> <p>New definition as it is used in the Order.</p> <p>A 'new container' in the Convention is defined as 'a container the construction of which was commenced on or after the date of entry in to force of the present convention.' – Which is 12 months from ratification and approval by a member state. For Australia that date is 22 Feb 1981. <i>Maximum operating gross mass, maximum permissible payload (P), are</i></p>

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<p>non-corroding means capable of resisting the effects of the marine environment both at sea and ashore, so as to remain legible for the working life of the container;</p> <p>owner means the person who owns a container or the lessee or bailee of a container where, by agreement between the parties, the exercise of the owner's responsibility for the maintenance and examination of the container has been transferred to a lessee or bailee.</p> <p>P means maximum permissible payload; and</p> <p>permanent means having a legible life expectancy equal to or greater than the life expectancy of the container to which the plate is affixed.</p> <p>tare means the mass of an empty container including permanently affixed ancillary equipment.</p>	<p>offshore container means a portable unit specially designed for repeated use in the transport of goods or equipment to, from or between fixed and/or floating offshore installations, ports, MODUs and vessels. Such units include containers and portable tanks for dangerous goods. Individual or design type approval for such units is made under the <i>Guidelines for the approval of offshore containers handled in open seas</i>.</p> <p>one door off operation means a container with one door removed as mentioned in the Container Convention.</p> <p>owner means the person who owns a container or an offshore container or the lessee or bailee of a container or an offshore container, where, by agreement between the parties, the exercise of the owner's responsibility for the maintenance and examination of the container or offshore container has been transferred to a lessee or bailee.</p> <p>safety approval plate means a plate that meets the requirements mentioned in the Container Convention for a safety approval plate.</p>	<p>deleted due to all being defined in the Convention.</p> <p>Non-corroding is deleted as it no longer used in the Order.</p> <p>Definition of offshore container is copied from the IMO circular on offshore container.</p> <p>Clarifying the meaning of one door off operation</p> <p>Clarifying the meaning of owner though it is defined in the CSC convention and adding the same for offshore container.</p> <p>Definition of P and permanent are deleted as they are not used in the Order</p> <p>Tare is defined in the Convention and not used in this Order.</p> <p>Safety approval plate is not explicitly defined in the Convention but has a dedicated regulation stipulating requirements of the plate. This definition clarifies that these</p>

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<p>type of container means an approved design type.</p> <p>unloaded from a vessel includes a reference to any handling incidental to the operation of unloading from a vessel.</p> <p>unsafe container means a container having a defect that could place any person in danger.</p> <p><i>Note 1</i> Some terms used in this Order are defined in <i>Marine Order 1(Administration) 2011</i>, including:</p> <ul style="list-style-type: none"> o Navigation Act o Manager, Ship Inspection and Registration o General Manager, Ship Safety Division. <p><i>Note 2</i> Other terms used in this Order are defined in the Navigation Act, including:</p> <ul style="list-style-type: none"> o AMSA o Container Convention o dangerous goods o inspector o seafarer 	<p>unloaded from a vessel includes any handling incidental to the operation of unloading from a vessel.</p> <p><i>Note 1</i> Some terms used in this Order are defined or explained in <i>Marine Order 1 (Administration) 2013</i>, including:</p> <ul style="list-style-type: none"> <input type="checkbox"/> IMO <p><i>Note 2</i> Other terms used in this Order are defined in the Navigation Act, including:</p> <ul style="list-style-type: none"> <input type="checkbox"/> AMSA <input type="checkbox"/> cargo <input type="checkbox"/> container <input type="checkbox"/> Container Convention <input type="checkbox"/> inspector <input type="checkbox"/> port. <p><i>Note 3</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>requirements must be met under this Order.</p> <p>Type of container is defined in the Convention and therefore deleted from Order.</p> <p>Policy setting 2: modern drafting style.</p>
<p>3 Interpretation</p> <p>3.1 If testing or examination is to be undertaken or approval given by an authorised organisation, references to Manager, Ship Inspection and Registration and inspector are to be read as references to appropriate officers of that organisation.</p>	<p>5 Interpretation</p> <p>A term that is used in this Order but is not defined for this Order, and is defined in the Container Convention, has the meaning given by the Container Convention.</p> <p>Note 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>Interpretation provides for reference to the terms used in the Convention and other IMO documents to be made to reduce duplication.</p>

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<p>4 Application</p> <p>4.1 This Order applies to and in relation to containers used in international or inter-State sea transport, but does not apply to a container which remains for the entire voyage on a road or rail vehicle.</p> <p>4.2 Section 8 applies to a container for which Australian approval is requested.</p> <p>4.3 Section 9 applies to containers in the following circumstances:</p> <ul style="list-style-type: none"> • the owner is a natural person living in Australia or a corporation that has its head office in Australia; • the owner is a natural person living in, or a corporation that has its head office in, a country the government of which has not made arrangements for prescribing or approving an examination scheme, and the owner has requested that the provisions apply in respect of the container. <p>4.4 Section 10 applies to a container that:</p> <ul style="list-style-type: none"> • is to be, or is being, loaded on to a vessel; or • is on board a vessel; at a port in Australia. <p>4.5 Nothing in this Order precludes the application of additional structural safety requirements or tests to:</p> <ul style="list-style-type: none"> • a container specially designed and constructed, or adapted, for the transport of dangerous goods; or • a container designed and constructed, or adapted, for the carriage of bulk liquid. 	<p>6 Application</p> <p>(1) This Order applies to and in relation to containers and offshore containers used in international, inter-State sea transport or intra-State sea transport, but does not apply to a container that remains for the entire voyage on a road or rail vehicle.</p> <p>(2) Subdivision 2.1 applies to a container for which Australian approval is requested.</p> <p>(3) Subdivision 2.2 applies to containers in the following circumstances:</p> <ul style="list-style-type: none"> (a) the owner is a natural person living in Australia or a corporation that has its head office in Australia; or (b) the owner is a natural person living in, or a corporation that has its head office in, a country the government of which has not made arrangements for prescribing or approving an examination scheme, and the owner has requested that the provisions apply in respect of the container. <p>(4) Subdivision 2.3 applies to a container that:</p> <ul style="list-style-type: none"> (a) is on board a vessel; or (b) is to be, or is being, loaded on to a vessel at a port in Australia. <p>(5) Subdivision 3.1 applies to an offshore container for which Australian approval is requested and applies to containers in the following circumstances:</p> <ul style="list-style-type: none"> (a) the owner is a natural person living in Australia or a corporation that has its head office in Australia; or (b) the owner is a natural person living in, or a corporation that has its head office in, a country the government of which has not made arrangements for prescribing or approving an examination scheme, and the owner has requested that the provisions apply in respect of the container. <p>(6) Subdivision 3.2 applies to an offshore container that:</p> <ul style="list-style-type: none"> (a) is to be, or is being, loaded or unloaded from a regulated Australian vessel anywhere; 	<p>Application; restructured in a modern drafting style, this description provides absolute clarity over jurisdiction of containers, considering type of vessel, type of container and location.</p> <p>Outlines which divisions apply to different container types in the Order and has been updated to reflect the changes made to the overall Order.</p> <p>Policy setting 3: Capturing offshore containers. Section 6.5 clarifies that only certain person or organisations could apply for approval of Australian offshore containers</p> <p>Policy setting 3: Capturing offshore containers.</p>

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	<p>(b) is to be, or is being, loaded or unloaded from a foreign vessel at a port in Australia, at an Australian installation, or in the territorial sea of Australia.</p> <p>(7) This Order is not intended to exclude or limit the concurrent operation of any law of a State or Territory that imposes additional obligations or liabilities on a person.</p>	<p>Inserted to comply with the Navigation Act section 13.</p>
<p>6 Review of decisions</p> <p>6.1 A person affected by a decision under this Order may apply to the General Manager, Ship Safety Division for a review of the decision in accordance with section 18 of <i>Marine Order 1 (Administration) 2011</i>.</p>	<p>7 Review of decisions</p> <p>A decision under subsection 10(3) or 18(2) or section 14, 19 or 26 is taken to be a reviewable decision for section 17 of <i>Marine Order 1 (Administration) 2013</i>.</p>	<p>Policy setting 2: modern drafting style identifying which sections are reviewable decisions.</p>
	<p>8 Savings – approvals</p> <p>An approval issued by an authorised organisation under section 8 of Marine Order 44 (Safe containers) 2002 that is in force immediately before the commencement of this Marine Order is taken, on and after that commencement, to be an approval issued by AMSA or an authorised organisation under this Marine Order.</p>	<p>Savings provision is added to give effect to all the existing approvals.</p>
<p>7 Transitional – approvals</p> <p>A container or type of container approved under a previous issue of this Order, and in service on 14 January 2012, is taken to be approved under this Order.</p>	<p>9 Transitional – approvals</p> <p>(1) This section applies to an application for approval of a container made on, or before 30 April 2019, that is not decided before 1 May 2019.</p> <p>(2) The application is taken to be an application for this Order.</p> <p>(3) However, AMSA may consider the application in accordance with the criteria set out in Marine Order 44 (Safe containers) 2002 as if that Order had not been repealed.</p>	<p>Policy setting 2: modern drafting style and minor rewording.</p>
<p>8 Approval of containers</p> <p>8.1 Application for approval of a container must be made to an authorised organisation and be accompanied by such supporting data as is required by that organisation.</p> <p>8.2 An authorised organisation may approve a container that complies with the Container Convention. If the area enclosed by the container's 4 outer bottom corners is less than 14 square metres, or less than 7 square metres if it is fitted with top corner fittings, an authorised organisation may approve it if it complies with</p>	<p>Division 2 Container Convention containers</p> <p>Subdivision 2.1 Approval of containers</p> <p>10 Approval of containers</p> <p>(1) For Annex I of the Container Convention, the owner of a container may apply to AMSA or an authorised organisation for approval of a container.</p> <p>(2) AMSA or an authorised organisation may approve a container that complies with the Container Convention.</p>	<p>Restructure provides clearer instruction and requirements for container approval.</p> <p>Repetition of container definition in 8.2 is removed.</p>

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<p>standards equivalent to those contained in the Container Convention.</p> <p>8.3 If an approved container is to be modified in a manner resulting in structural changes, the owner must apply to the approving authorised organisation for approval of the modification.</p>	<p>(3) For Chapter V of the Container Convention, if a container is approved under subsection 10(1) and it is subsequently modified by making changes to its structure, the owner of the container must apply to AMSA or an authorised organisation for approval of the modification.</p>	
<p>8.4 When a container has been approved by an authorised organisation, the owner of the container is entitled to affix a Safety Approval Plate to the container.</p> <p>8.5 A Safety Approval Plate must:</p> <ul style="list-style-type: none"> ▪ comply with Schedule 1; ▪ be permanently affixed <ul style="list-style-type: none"> • in a readily visible place; • adjacent to any other plate relating to an approval issued for official purposes; and • in a place where it will not be easily damaged. <p><i>Note</i> A Safety Approval Plate affixed to a container does not remove the necessity to display any labels or other information that are otherwise required to be displayed on the container.</p> <p>10.1 Validity of Safety Approval Plate</p> <p>10.1.1 A Safety Approval Plate affixed to a container remains valid until the approval under which it was affixed is withdrawn.</p> <p>10.1.2 A Safety Approval Plate affixed to a container by or under the authority of a government that is a party to the Container Convention has, for the purposes of this section, the same validity as if it were affixed in accordance with this Order.</p> <p>10.4 Unauthorised affixture of Safety Approval Plate A person must not affix, or order to be affixed, a Safety Approval Plate to a container in Australia except in accordance with this Order</p>	<p>11 Safety approval plate</p> <p>(1) If a container is approved by AMSA or an authorised organisation, the owner of a container must:</p> <ul style="list-style-type: none"> (a) ensure that a safety approval plate complies with the requirements for a safety approval plate mentioned in Annex 1 of the Container Convention; and (b) ensure that the safety approval plate mentioned in Annex 1 of the Container Convention is permanently affixed to the container. <p>Penalty: 50 penalty units.</p> <p>(2) Subsection (1) is an offence of strict liability.</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>Policy setting 2: modern drafting style and minor rewording.</p> <p>Update makes direct reference to the Convention removing the need for duplication and large schedule that is in current Order.</p> <p>(10.1) Deleted as new drafting style implies that if a safety approval does not meet s10 requirements then it is not valid.</p> <p>(10.1.2) Is not required, as under definitions the Order recognises administrations outside Australia and approved containers outside Australia.</p>

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<p>or by or under the authority of a government that is a party to the Container Convention.</p> <p>Penalty: 50 penalty units.</p> <p>10.4A An offence against subsection 10.4 is a strict liability offence.</p> <p>10.4B A person is liable to a civil penalty if the person contravenes subsection 10.4. Civil penalty: 50 penalty units.</p>		
<p>10.7 Maximum gross mass markings</p> <p>All maximum operating gross mass markings on a container must be consistent with the maximum operating gross mass indicated on the Safety Approval Plate.</p>	<p>12 Maximum gross mass markings</p> <p>(1) The owner of a container commits an offence if a container is marked with maximum operating gross mass markings that are inconsistent with the maximum operating gross mass indicated on the container's safety approval plate. Penalty: 50 penalty units.</p> <p>(2) Subsection (1) is an offence of strict liability.</p> <p>(3) The owner is liable to a civil penalty if the person contravenes subsection (1). Civil penalty: 50 penalty units.</p>	<p>Policy setting 2: modern drafting style and minor rewording.</p> <p>Penalties added as non-compliance could have severe consequence to safety.</p>
<p>10.5 Removal of Safety Approval Plate when no longer valid</p> <p>The owner of a container must remove the Safety Approval Plate on a container if:</p> <p>(a) the container has been modified in a manner which would void the original approval and the information found on the Safety Approval Plate; or</p> <p>(b) the container is removed from service and is not being maintained in accordance with this Order; or</p> <p>(c) approval has been withdrawn under subsection 8.6.1 or 8.6.2.</p> <p>Penalty: 50 penalty units.</p> <p>10.5A An offence against subsection 10.5 is a strict liability offence.</p> <p>10.5B A person is liable to a civil penalty if the person contravenes subsection 10.5. Civil penalty: 50 penalty units.</p>	<p>13 Removal of safety approval plate</p> <p>(1) The owner of a container must remove the container's safety approval plate if:</p> <p>(a) the container has been modified in a way that would void the approval of the container and the information on the safety approval plate is no longer correct; or</p> <p>(b) the container is removed from service and is not being maintained in accordance with the Container Convention; or</p> <p>(c) approval of the container is withdrawn. Penalty: 50 penalty units.</p> <p>(2) Subsection (1) is an offence of strict liability.</p> <p>(3) A person is liable to a civil penalty if the person contravenes subsection (1). Civil penalty: 50 penalty units.</p>	<p>Policy setting 2: modern drafting style and minor rewording.</p>

Existing text MO 44 (Safe Containers) 2002	Draft MO44 (Safe Container) issue190124B	Comment on changes
<p>8.6.1 If the Manager, Ship Inspection and Registration considers that an approved container does not comply with the provisions of this Order, that officer may, in addition to any other action considered appropriate, cancel the approval issued in respect of that container. Written notification of cancellation must be given to the owner of the container and to the approving authorised organisation.</p> <p>8.6.2 If an authorised organisation considers that an approved container does not comply with the provisions of this Order, it may, in addition to any other action, withdraw the approval issued in respect of that container. Written notification of withdrawal must be given to the owner of the container and to the Manager, Ship Inspection and Registration.</p>	<p>14 Withdrawal of approval of container</p> <p>(1) If AMSA or an authorised organisation considers that a container that is approved no longer complies with the Container Convention it may withdraw the approval issued for the container.</p> <p>(2) If the approval issued for a container is withdrawn under subsection (1), AMSA or an authorised organisation must give written notice of the withdrawal, within 14 days to:</p> <p>(a) the owner of the container; and</p> <p>(b) for an authorised organisation — AMSA.</p>	<p>Policy setting 2: modern drafting style and minor rewording. Defines withdrawal notice period.</p>
<p>9 Maintenance, examination & marking</p> <p>9.1 Maintenance</p> <p>The owner of a container is responsible for maintaining that container in a safe condition.</p>	<p>Subdivision 2.2 Maintenance and examination of containers</p> <p>15 Maintenance</p> <p>(1) The owner of a container must maintain the container in a safe condition in accordance with the requirements mentioned in the Container Convention. 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). Civil penalty: 50 penalty units.</p>	<p>Added reference to complying with Convention and added penalty provision.</p>
<p>9.2 Examination</p> <p>9.2.1 The owner must arrange for a container to be examined in accordance with the procedure and at the intervals or at the times set out in Schedule 2, for the purpose of determining whether the container has any defect that could place any person in danger. Penalty: 50 penalty units.</p> <p>9.2.1A An offence against subsection 9.2.1 is a strict liability offence.</p> <p>9.2.1B A person is liable to a civil penalty if the person contravenes subsection (1).</p>	<p>16 Examination of containers under an examination program</p> <p>(1) The owner of a container must ensure the container is periodically examined by AMSA or an authorised organisation in accordance with the requirements mentioned in the Container Convention. Penalty: 50 penalty units.</p> <p>(2) However, subsection (1) does not apply to a container for which a continuous examination program approved under section 18 is in place.</p>	<p>This section replaces the requirements of “schedule 2 – Examination of containers” of the current Order.</p>

Existing text MO 44 (Safe Containers) 2002	Draft MO44 (Safe Container) issue190124B	Comment on changes
<p>Civil penalty: 50 penalty units.</p> <p>9.2.2 The person who has examined a container for the purpose of subsection 9.2.1, being satisfied that the container is not an unsafe container, must make and sign a written report that:</p> <ul style="list-style-type: none"> <input type="checkbox"/> identifies the container; <input type="checkbox"/> states the date of the examination; and <input type="checkbox"/> states that, in his or her opinion, the container is not an unsafe container, and provide the report to the owner. <p>9.2.3 The owner must retain the report, in legible form, until receipt of a report in respect of a subsequent examination.</p> <p>Penalty: 50 penalty units.</p> <p>9.2.3A An offence against subsection 9.2.3 is a strict liability offence.</p> <p>9.2.3B A person is liable to a civil penalty if the person commits an offence against subsection 9.2.3.</p> <p>Civil penalty: 50 penalty units.</p>	<p>(3) The owner of a container must ensure that a container is examined after the repair of a defect in the container and before the container is loaded onto a vessel after the repair.</p> <p>Penalty: 50 penalty units.</p> <p>(4) The owner of a container that has been examined under subsection (3) must ensure that the container is re-examined on the earlier of:</p> <ul style="list-style-type: none"> (a) the date the container would have been due for examination in accordance with the Container Convention, by AMSA or an authorised organisation; or (b) 30 months after the date of the examination under subsection (3). <p>Note Examination and re-examination dates are specified by month and year only.</p>	
<p>9.3 Marking</p> <p>9.3.2 Except in the case of a container in respect of which there is an approved continuous examination programme, the owner must ensure that the date by which a container is to be next re-examined is clearly marked on its Safety Approval Plate, or on the container as near as practicable to the Safety Approval Plate, in accordance with subsection 9.3.3.</p> <p>Penalty: 50 penalty units.</p> <p>9.3.2A An offence against subsection 9.3.2 is a strict liability offence.</p> <p>9.3.2B A person is liable to a civil penalty if the person commits an offence against subsection 9.3.2.</p> <p>Civil penalty: 50 penalty units.</p> <p>9.3.1 The owner must ensure that the date by which a container must undergo its initial examination is clearly marked on its Safety Approval Plate in accordance with subsection 9.3.3.</p>	<p>17 Marking containers under a periodic examination scheme</p> <p>(1) The owner of a container under a periodic examination scheme must ensure that the container is marked in accordance with the Container Convention.</p> <p>Penalty: 50 penalty units.</p> <p>(2) An examination or re-examination date must be marked permanently and legibly on the container by stamping, embossing, engraving or applying a decal.</p> <p>Penalty: 50 penalty units.</p> <p>(3) A decal mentioned in subsection (2) must:</p> <ul style="list-style-type: none"> (a) comply with the colour code mentioned in the Container Convention; and (b) include the date in the English language or in Arabic figures. <p>Penalty: 50 penalty units.</p> <p>Note Examination and re-examination dates are specified by month and year only.</p>	<p>Policy setting 2: modern drafting style and minor rewording.</p> <p>Note; there is a penalty provision for this subsection contained in subsection (6).</p> <p>Decal now reference to Convention requirements, to which the table 1 is contained.</p>

Existing text MO 44 (Safe Containers) 2002	Draft MO44 (Safe Container) issue190124B	Comment on changes
<p>9.3.1A An offence against subsection 9.3.1 is a strict liability offence.</p> <p>9.3.1B A person is liable to a civil penalty if the person contravenes subsection 9.3.1. Civil penalty: 50 penalty units.</p> <p>9.3.3 An examination or re-examination date must be marked permanently and legibly by stamping, embossing, engraving, applying a decal or other method acceptable to the approving recognised organisation.</p> <p>9.3.4 The owner of a container must not permit a re-examination date to be marked on the container under subsection 9.3.2 unless a report of examination has been issued in respect of the container under subsection 9.2.2. Penalty: 50 penalty units.</p> <p>9.3.4A An offence against subsection 9.3.4 is a strict liability offence.</p> <p>9.3.4B A person is liable to a civil penalty if the person contravenes subsection 9.3.4. Civil penalty: 50 penalty units.</p> <p>9.3.6 A decal referred to in subsection 9.3.3 must comply with the colour code specified in Table 1 and the relevant date must be shown in the English language or in Arabic figures on the decal or on the Safety Approval Plate. <i>Note</i> Examination and re-examination dates are specified by month and year only — see the Container Convention.</p>	<p>(4) An examination date must not be marked on the container if the container does not comply with the Container Convention. Penalty: 50 penalty units.</p> <p>(5) Subsections (1), (2) (3) or (4) are strict liability offences.</p> <p>(6) A person is liable to a civil penalty if the person contravenes subsection (1), (2), (3) or (4) Civil penalty: 50 penalty units.</p>	<p>Prohibits marking of unsafe containers.</p>

Existing text MO 44 (Safe Containers) 2002	Draft MO44 (Safe Container) issue190124B	Comment on changes																
<p>Table 1</p> <table border="1"> <thead> <tr> <th>Colour</th> <th>Year</th> <th>Colour</th> <th>Year</th> </tr> </thead> <tbody> <tr> <td>Black</td> <td>2002 2008 2014 2020</td> <td>Blue</td> <td>2005 2011 2017</td> </tr> <tr> <td>Green</td> <td>2003 2009 2015</td> <td>Yellow</td> <td>2006 2012 2018</td> </tr> <tr> <td>Brown</td> <td>2004 2010 2016</td> <td>Red</td> <td>2007 2013 2019</td> </tr> </tbody> </table> <p>10.6 Unauthorised examination date</p> <p>A person must not mark, or order to be marked, an examination date on a container or on a Safety Approval Plate affixed to a container except in accordance with this Order or under the authority of a government that is a party to the Container Convention.</p> <p>Penalty: 50 penalty units.</p> <p>10.6A An offence against subsection 10.6 is a strict liability offence.</p> <p>10.6B A person is liable to a civil penalty if the person contravenes subsection 10.6. Civil penalty: 50 penalty units.</p>	Colour	Year	Colour	Year	Black	2002 2008 2014 2020	Blue	2005 2011 2017	Green	2003 2009 2015	Yellow	2006 2012 2018	Brown	2004 2010 2016	Red	2007 2013 2019		
Colour	Year	Colour	Year															
Black	2002 2008 2014 2020	Blue	2005 2011 2017															
Green	2003 2009 2015	Yellow	2006 2012 2018															
Brown	2004 2010 2016	Red	2007 2013 2019															
<p>9.4 If the owner has an approved continuous examination program in place, the program must be:</p> <p>(a) reviewed at least once every 10 years to ensure its continued viability; and</p> <p>(b) audited at least every 2.5 years by an authorised organisation.</p>	<p>18 Approval of continuous examination program</p> <p>(1) The owner of a container may apply to AMSA for approval of a continuous examination program.</p> <p>(2) AMSA may approve a continuous examination program if it is satisfied that the program meets the requirements of the Container Convention.</p> <p>(3) The owner of a container must also ensure that the container is examined:</p> <p>(a) after refurbishment and before the container is loaded onto a vessel after the refurbishment; and</p> <p>(b) for a container that is hired out by the owner of a container to another person — during the transportation of the container to an agreed port at the end of the hire arrangement, and before the container is loaded onto a vessel after the end of the hire arrangement.</p> <p>Penalty: 50 penalty units.</p> <p>(4) The owner of a container that has been examined under subsection (3) must ensure that the container is re-examined on the earlier of:</p>	<p>These review and audit frequencies are specified in the Convention.</p>																

Existing text MO 44 (Safe Containers) 2002	Draft MO44 (Safe Container) issue190124B	Comment on changes
	<p>(a) the day the container would have been due for examination in accordance Container Convention, by AMSA or an authorised organisation; or</p> <p>(b) 30 months after the date of the examination under subsection (3).</p> <p>Penalty: 50 penalty units.</p> <p>Note Examination and re-examination dates are specified by month and year only.</p> <p>(5) Subsections (3) and (4) are strict liability offences.</p> <p>(6) A person is liable to a civil penalty if the person contravenes subsection (3) or (4).</p> <p>Civil penalty: 50 penalty units.</p> <p>Note Guidance on approval of continuous examination programs is available from the AMSA at http://www.amsa.gov.au.</p>	
	<p>19 Withdrawal of approval of continuous examination program AMSA may withdraw approval for a continuous examination program if it considers that the program no longer meets the requirements in the Container Convention.</p>	<p>Added to provide AMSA with the power to withdraw the continuous examination program</p>
<p>9.3.5 The owner of a container in respect of which there is an approved continuous examination programme must ensure that the container is marked permanently and legibly by stamping, embossing, engraving or other method acceptable to the approving recognised organisation, with the letters 'ACEP (AUS)'. Penalty: 50 penalty units.</p> <p>9.3.5A An offence against subsection 9.3.5 is a strict liability offence.</p> <p>9.3.5B A person is liable to a civil penalty if the person contravenes subsection (1). Civil penalty: 50 penalty units.</p>	<p>20 Marking of containers under a continuous examination program</p> <p>(1) The owner of a container for which there is an AMSA approved continuous examination program must ensure that the container is marked permanently and legibly by stamping, embossing or engraving the letters 'ACEP (AUS)' on or near the safety approval plate. Penalty: 50 penalty units.</p> <p>(2) Subsection (1) is an offence of strict liability.</p> <p>(3) A person is liable to a civil penalty if the person contravenes subsection (1) Civil penalty: 50 penalty units.</p>	<p>Policy setting 2: modern drafting style and minor rewording.</p>
<p>10.2 Certain containers not to be loaded or unloaded</p> <p>10.2.1 Subject to subsection 10.3, a person must not load a container on to, or unload a container from, a vessel if: (a) the person has reason to believe that the</p>	<p>Subdivision 2.3 Control measures for containers</p> <p>21 Certain containers not to be loaded or unloaded</p> <p>(1) Unless authorised by AMSA, a person must not load a container onto, or unload a container from a vessel if any of the following apply:</p>	<p>Policy setting 2: modern drafting style and minor rewording.</p>

Existing text MO 44 (Safe Containers) 2002	Draft MO44 (Safe Container) issue190124B	Comment on changes
<p>container is an unsafe container; or</p> <p>(b) the container does not have a valid Safety Approval Plate affixed to it; or</p> <p>(c) the date indicated on the Safety Approval Plate for the container to be re-examined has passed; or</p> <p>(d) no date is indicated on the Safety Approval Plate for the container to be re-examined and the letters 'ACEP' and identification of the approving government are not marked on or near the Safety Approval Plate of the container; or</p> <p>(e) the mass of the container (including its contents and any affixed ancillary equipment) exceeds the maximum operating gross mass of the container.</p> <p>Penalty: 50 penalty units.</p> <p>10.2.1A An offence against subsection 10.2.1 is a strict liability offence.</p> <p>10.2.1B A person is liable to a civil penalty if the person contravenes subsection (1).</p> <p>Civil penalty: 50 penalty units.</p>	<p>(a) the container has a defect that could place any person in danger or does not have a valid safety approval plate; or</p> <p>(b) for a container under a periodic examination scheme - the date marked on or near the safety approval plate for the container to be next examined has passed; or</p> <p>(c) the letters 'ACEP' and identification of the approving Administration are not marked; or</p> <p>(d) the container exceeds the maximum operating gross mass as marked on the safety approval plate.</p> <p>Penalty: 50 penalty units.</p> <p>(2) 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>Note Examination and re-examination dates are specified by month and year only.</p>	<p>New unsafe container definition includes not having a safety plate affixed.</p>
<p>10.8 Maximum mass to be placed on container</p> <p>A container on a vessel must not have placed upon it a mass exceeding the allowable stacking mass for 1.8g indicated on the Safety Approval Plate affixed to the container.</p> <p><i>Note</i> If the container is approved for, and being used as, a one door off operation, the difference in allowable stacking mass will be mentioned on the Safety Approval Plate — see Schedule 1, cl 2.4.</p>	<p>22 Maximum load to be placed on container</p> <p>(1) The master of a vessel must ensure that a person does not place on a container on the vessel a load exceeding the allowable stacking load for 1.8g indicated on the safety approval plate attached to the container.</p> <p>Penalty: 50 penalty units.</p> <p>(2) Subsection (1) is an offence of strict liability.</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>(4) If the container is approved for, and being used as, a one door off operation, the difference in allowable stacking load must be mentioned on the safety approval plate in accordance with the Container Convention.</p>	<p>Reference corrected from 'mass' to 'load' as per Convention.</p> <p>Penalty provision added due to the safety risk.</p> <p>Note changed to subsection.</p>

Existing text MO 44 (Safe Containers) 2002	Draft MO44 (Safe Container) issue190124B	Comment on changes
<p>10.2.2 If an inspector has reason to believe that a container is to be, has been, or is being loaded on to or unloaded from a vessel in contravention of paragraph 10.2.1(e), the inspector may require the person who is directly in control of the persons engaged in the loading or unloading to have the mass of the container, including its contents and any affixed ancillary equipment, determined without any undue delay by a weighing instrument nominated by the inspector for the purpose.</p>	<p>23 Proper precautions (1) This section applies if AMSA believes, on reasonable grounds, that the doing of an activity or the failure to do an activity during the loading or unloading, stowage or carriage of a container on a vessel, may: (a) damage the vessel; or (b) pose a risk to the safety of persons; or (c) damage the environment.</p>	<p>Proper precautions being power for AMSA to provide the inspector with the ability to give orders to prohibit/stop loading and to carry out additional inspections at their discretion during and after loading. The term AMSA includes a surveyor.</p>
<p>10.2.3 In a prosecution for an offence against paragraph 10.2.1(e), a certificate issued by the person responsible for or operating the weighing instrument referred to in subsection 10.2.2, stating that a container, its contents and affixed ancillary equipment has, by that person, been weighed and found to be of the mass stated in the certificate, is to be evidence of the facts stated in the certificate.</p>	<p>(2) AMSA may give a written notice to a person requiring: (a) that the doing of an activity is to cease; or (b) that precautions specified in the notice are to be undertaken.</p>	
<p>10.3 Inspector may authorise loading or unloading 10.3.1 If an inspector considers that it is reasonable and proper in the circumstances of the case to allow a container referred to in subsection 10.2.1 to be loaded on to, or unloaded from, a vessel, the surveyor may authorise, subject to such conditions as the inspector specifies, the loading or unloading of that container.</p>	<p>(3) A person who is given a notice must ensure that the notice is complied with to the extent that it relates to any matter over which the person has control.</p>	
<p>10.3.2 A person must comply with any condition imposed by an inspector under subsection 10.3.1. Penalty: 50 penalty units.</p>	<p>Note 1 Section 114 of the Navigation Act provides that a person commits an offence if proper precautions are not taken for an activity involving packing, sending, stowing, loading, unloading, securing or carrying cargo on a vessel.</p>	
<p>10.3.3 An offence against subsection 10.3.2 is a strict liability offence.</p>	<p>Note 2 Section 264 of the Navigation Act provides that an inspector may give directions to a person to take steps that are</p>	
<p>10.3.4 A person is liable to a civil penalty if the person contravenes subsection 10.3.2.</p>		

Existing text MO 44 (Safe Containers) 2002	Draft MO44 (Safe Container) issue190124B	Comment on changes
Civil penalty: 50 penalty units.	reasonable in the circumstances for compliance with a requirement in the Act or this Order. Section 267 of the Navigation Act also provides that an inspector may give a prohibition notice about an activity involving a serious risk to the health or safety of a person.	
	<p>Division 3 Offshore containers</p> <p>Subdivision 3.1 Approval, maintenance and inspection of offshore containers</p> <p>24 Savings — approval of offshore containers</p> <p>An approval issued under the <i>Guidelines for the approval of offshore containers handled in open seas</i> that is in force immediately before the commencement of this Marine Order is taken, on and after that commencement, to be an approval by an approving competent authority under this Marine Order.</p>	<p>Policy setting 3: Capturing offshore containers.</p> <p>It has been decided that the most effective way to capture offshore containers and maintain a clear distinction between containers to which the Convention applies and offshore containers is to make a separate division. The division follows the same structure as Container Convention format to provide continuity throughout the Order.</p>
	<p>25 Transitional – approvals</p> <p>(1) This section applies to an application for approval of an offshore container made on, or before 30 April 2019, that is not decided before 1 May 2019.</p> <p>(2) The application is taken to be an application for this Order.</p>	<p>Policy setting 3: Capturing offshore containers.</p> <p>Requirement to follow offshore container guidelines.</p>
	<p>26 Approval of offshore containers</p> <p>(1) The owner of an offshore container may apply to an approving competent authority for approval of an offshore container.</p> <p>(2) An approving competent authority may approve an offshore container that complies with the requirements for approval of offshore containers mentioned in the <i>Guidelines for the approval of offshore containers handled in open seas</i> by:</p> <p>(a) design type; or</p> <p>(b) individual approval.</p>	<p>Policy setting 3: Capturing offshore containers.</p> <p>Requirement to follow offshore container guidelines.</p>

Existing text MO 44 (Safe Containers) 2002	Draft MO44 (Safe Container) issue190124B	Comment on changes
	<p>27 Approval plate for offshore containers</p> <p>(1) If an offshore container is approved, an approval plate must be attached to the offshore container that meets the requirements of the <i>Guidelines for the approval of offshore containers handled in open seas</i>.</p> <p>Penalty: 50 penalty units.</p> <p>(2) 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>Policy setting 3: Capturing offshore containers.</p> <p>Requirements are structured in a similar manner to section 11 but specifics adjusted to requirements applicable to offshore containers.</p>
	<p>28 Maintenance and inspection of offshore containers</p> <p>(1) The owner of an offshore container must maintain the offshore container in a safe condition in accordance with the requirements for maintenance of offshore containers recommended by an approving competent authority.</p> <p>(2) The owner of an offshore container must ensure the container is periodically inspected in accordance with the requirements mentioned in the Guidelines for the approval of offshore containers handled in open seas.</p> <p>Penalty: 50 penalty units.</p>	<p>Policy setting 3: Capturing offshore containers.</p>
	<p>Subdivision 3.2 Control measures for offshore containers</p> <p>29 Certain offshore containers not to be loaded or unloaded</p> <p>(1) Unless authorised by AMSA, a person must not load an offshore container onto, or unload an offshore container from a vessel if any of the following apply:</p> <p>(a) the offshore container has a defect that could place any person in danger or does not have a valid approval plate; or</p> <p>(b) the offshore container exceeds the maximum gross mass as marked on the approval plate; or</p> <p>(c) the period since the last inspection date marked on the offshore container exceeds 12 months.</p> <p>Penalty: 50 penalty units.</p> <p>(2) Subsection (1) is a strict liability offence.</p> <p>(3) person is liable to a civil penalty if the person contravenes subsection (1).</p> <p>Civil penalty:50 penalty units.</p>	<p>Policy setting 3: Capturing offshore containers.</p> <p>Requirements are structured in a similar manner to subdivision 2.3 but specifics adjusted to requirements applicable to offshore containers</p>

Existing text MO 44 (Safe Containers) 2002	Draft MO44 (Safe Container) issue190124B	Comment on changes
	<p>30 Proper precautions</p> <p>(1) This section applies if AMSA believes, on reasonable grounds, that the doing of an activity or the failure to do an activity during the loading or unloading, stowage or carriage of an offshore container on a vessel, may:</p> <p>(a) damage the vessel; or</p> <p>(b) pose a risk to the safety of persons; or</p> <p>(c) damage the environment.</p> <p>(2) AMSA may give a written notice to a person requiring:</p> <p>(a) that the doing of an activity is to cease; or</p> <p>(b) that precautions specified in the notice are to be undertaken.</p> <p>(3) A person who is given a notice must ensure that the notice is complied with to the extent that it relates to any matter over which the person has control.</p> <p>Note 1 Section 114 of the Navigation Act provides that a person commits an offence if proper precautions are not taken for an activity involving packing, sending, stowing, loading, unloading, securing or carrying cargo on a vessel.</p> <p>Note 2 Section 264 of the Navigation Act provides that an inspector may give directions to a person to take steps that are reasonable in the circumstances for compliance with a requirement in the Act or this Order. Section 267 of the Navigation Act also provides that an inspector may give a prohibition notice about an activity involving a serious risk to the health or safety of a person.</p>	<p>Policy setting 3: Capturing offshore containers. Proper precautions being power for AMSA to provide the inspector with the ability to give orders to prohibit/stop loading and to carry out additional inspections at their discretion during and after loading. The term AMSA includes a surveyor.</p>
<p>Note 1</p> <p><i>Marine Order 44(Safe containers) 2002</i> (in effect under subsection 343(2) of the <i>Navigation Act 2012</i>) as shown in this compilation comprises <i>Marine Or/der 44 Safe containers) 2002</i> amended and modified as indicated in the following tables.</p>	<p>Note</p> <p>1. All legislative instruments and compilations of legislative instruments are registered on the Federal Register of Legislation under the <i>Legislation Act 2003</i>. See https://www.legislation.gov.au.</p>	<p>Policy setting 2: modern drafting style and minor rewording.</p>
<p>Schedule 1 Safety Approval Plate</p> <p>1 Definitions</p> <p>For the purposes of this Schedule, the following definitions apply:</p>		<p>Policy setting 2: modern drafting style and minor rewording.</p>

Existing text MO 44 (Safe Containers) 2002	Draft MO44 (Safe Container) issue190124B	Comment on changes
		Schedule removed, as subdivision 2.1 covers requirements for safety approval plates and makes clear requirements for compliance to the Convention.
<p>2.1 A Safety Approval Plate must be a permanent, non-corroding, fireproof rectangular plate measuring not less than 200 mm by 100 mm. The letters and words 'CSC Safety Approval' must be of a minimum letter height of 8 mm. All other words and numbers must be of a minimum height of 5 mm. Words and numbers must be stamped into, embossed on or indicated on a surface of the plate in any other permanent and legible way.</p> <p>2.2 An examination date may be indicated by use of a colour coded decal complying with subsection 9.3.6.</p> <p>2.3 An ISO alpha numeric identification code may only be used if the owner of a container maintains a record correlating the code identification number with the manufacturer's serial number and such record is available, upon request, to the Manager, Ship Inspection and Registration or an authorised organisation.</p> <p>2.4 A Safety Approval Plate must conform to the model reproduced in Figure 1 and must contain the following information in English or French:</p> <p><i>Note</i> If the information required for line 7, 8 or 9 is not required for a Safety Approval Plate, those lines may be used for marking examination dates.</p> <p>Line 1: The name of the organisation issuing the approval, followed by the approval reference</p>		<p>Policy setting 2: modern drafting style and minor rewording.</p>

Existing text MO 44 (Safe Containers) 2002	Draft MO44 (Safe Container) issue190124B	Comment on changes
<p>and year in which the approval was issued and preceded by the letters AUS.</p> <p>Line 2: The date of manufacture, being the month and year in which the container was manufactured.</p> <p>Line 3: The manufacturer's identification number of the container or, in the case of a container for which the owner wishes to use an ISO alpha numeric identification code, a number appropriate to that code.</p> <p>Line 4: The maximum operating gross mass of the container expressed in both kilograms and pounds.</p> <p>Line 5A: If the container is approved for one door off operation, the allowable stacking load for 1.8g expressed in both kilograms and pounds for one door off.</p> <p>Line 5: The allowable stacking load for 1.8g expressed in both kilograms and pounds.</p> <p>The transverse racking test force expressed in Newtons.</p> <p>Line 6A: If the container is approved for one door off operation, the allowable transverse racking test force expressed in Newtons for one door off.</p> <p>Line 7: The end wall strength value, but only if the end walls are designed to withstand a force of less or greater than 0.4 times the gravitational force by maximum permissible payload, i.e. 0.4Pg.</p> <p><i>Example 'End wall strength 0.5P'</i></p> <p>Line 8: The side wall strength value, but only if the side walls are designed to withstand a force of less or greater than 0.6 times the gravitational force by maximum permissible payload, i.e. 0.6Pg.</p>		

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<p><i>Example</i> 'Side wall strength 0.8P'</p> <p>Line 9: The first maintenance examination date (month and year) for new containers, and subsequent maintenance examination dates (month and year) if plate is used for this purpose.</p> <p>Figure 1: Safety Approval Plate</p> <table border="1" data-bbox="123 432 786 959"> <tr> <td></td> <td>CSC SAFETY APPROVAL</td> <td></td> </tr> <tr> <td>Line 1.....</td> <td>(AUS—)</td> <td></td> </tr> <tr> <td>Line 2.....</td> <td>DATE MANUFACTURED</td> <td></td> </tr> <tr> <td>Line 3.....</td> <td>IDENTIFICATION No.</td> <td></td> </tr> <tr> <td>Line 4.....</td> <td>MAXIMUM OPERATING GROSS MASSkglb</td> <td></td> </tr> <tr> <td>Line 5.....</td> <td>ALLOWABLE STACKING LOAD FOR 1.8gkglb</td> <td></td> </tr> <tr> <td>Line 5A.....</td> <td>ONE DOOR OFF ALLOWABLE STACKING LOAD FOR 1.8gkg lb</td> <td></td> </tr> <tr> <td>Line 6.....</td> <td>TRANSVERSE RACKING TEST FORCENewtons</td> <td></td> </tr> <tr> <td>Line 6A.....</td> <td>ONE DOOR OFF TRANSVERSE RACKING TEST FORCE Newtons</td> <td></td> </tr> <tr> <td>Line 7.....</td> <td></td> <td></td> </tr> <tr> <td>Line 8.....</td> <td></td> <td></td> </tr> <tr> <td>Line 9.....</td> <td></td> <td></td> </tr> </table> <p><i>Note</i> The letters 'CSC' are omitted if the area enclosed by the container's 4 outer bottom corners is less than 14 m², or less than 7 m² if it is fitted with top corner fittings.</p>		CSC SAFETY APPROVAL		Line 1.....	(AUS—)		Line 2.....	DATE MANUFACTURED		Line 3.....	IDENTIFICATION No.		Line 4.....	MAXIMUM OPERATING GROSS MASSkglb		Line 5.....	ALLOWABLE STACKING LOAD FOR 1.8gkglb		Line 5A.....	ONE DOOR OFF ALLOWABLE STACKING LOAD FOR 1.8gkg lb		Line 6.....	TRANSVERSE RACKING TEST FORCENewtons		Line 6A.....	ONE DOOR OFF TRANSVERSE RACKING TEST FORCE Newtons		Line 7.....			Line 8.....			Line 9.....				
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<p>Schedule 2 Examination of containers</p> <ol style="list-style-type: none"> Each examination of a container that is required by this Order must be performed by a person trained and experienced in the detection of container structural damage. An examination of a container must take into account the particular characteristics of the type of container and the materials of its construction and must include a detailed visual inspection: 		<p>Policy setting 2: modern drafting style. Schedule 2 is removed, as subdivision 2.2 covers requirements for examinations and compliance to the Convention.</p>																																				

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<p> <input type="checkbox"/> for defects that could place any person in danger; and <input type="checkbox"/> of all load-bearing components. </p> <p>2A An examination of a container must take into account the examination criteria mentioned in Annex III to the Container Convention.</p> <p>3 An examination of a container must take place only when:</p> <p> <input type="checkbox"/> sufficient time is available for a thorough examination; <input type="checkbox"/> the container is cleaned and prepared to the extent required by the person undertaking the examination; <input type="checkbox"/> means of lifting and supporting the container are provided to the extent required by the person undertaking the examination to ensure that the whole of the underside is accessible, and <input type="checkbox"/> there is provided safe means of access and egress, sufficient lighting and all other facilities necessary to allow the examination to be carried out safely and effectively. </p> <p>4 A person undertaking an examination of a container may require the use of any appropriate test in accordance with the Container Convention or a method of non-destructive testing.</p> <p>5 Subject to clause 6, a container must be examined:</p> <p> <input type="checkbox"/> initially, not later than 5 years after the date of manufacture and, subsequently, at intervals of not more than 30 months; or <input type="checkbox"/> in accordance with an approved continuous examination program. </p> <p>6 A container must be examined:</p>		

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<p> <input type="checkbox"/> after the repair of any defect in the container that could have placed any person in danger and before the container is loaded on to a vessel following that repair; </p> <p> <input type="checkbox"/> after any modification of the container and before the container is loaded on to a vessel following that modification; </p> <p>and in the case of a container in respect of which there is an approved continuous examination programme:</p> <p>after refurbishment of the container and before the container is loaded on to a ship following that refurbishment; and</p> <p> <input type="checkbox"/> during an on-hire/off-hire interchange of the container and before the container is loaded on to a ship following that interchange. </p> <p>7 A container that has been examined under clause 6 must be re-examined:</p> <p> <input type="checkbox"/> not later than the date when, but for the circumstance giving rise to the examination under clause 6, the container would have been due for examination in accordance with clause 5; or </p> <p> <input type="checkbox"/> a date that is not more than 30 months after the date of the examination under clause 6. </p>		