

EXPLANATORY STATEMENT 1 of 2008

AMENDMENT, ADOPTED AT LONDON IN JULY 2007, TO THE INTERNATIONAL CODE FOR THE CONSTRUCTION AND EQUIPMENT OF SHIPS CARRYING DANGEROUS CHEMICALS IN BULK (IBC CODE)

Practical and legal effect

1. The treaty matter proposed will:
 - bring construction standards for ships carrying dangerous chemicals into line with improved international standards for fire safety systems on ships; and
 - prescribe ship construction and carriage requirements which will enable carriage of new chemicals on board ships in a safe and environmentally friendly manner.

The amendment to the IBC Code will not have a substantive direct legal effect on Australia or shipping and maritime industries. There is only one Australian flagged chemical tanker and one bulk carrier approved to carry chemicals. However, both of these vessels are designed to carry a single dedicated cargo, not a variety of different cargoes, and are therefore not affected. There is no Australian industry building chemical tankers.

Nature and timing of proposed treaty matter

2. Carriage of chemicals in bulk by ships is covered by regulations in the International Convention for the Safety of Life at Sea (SOLAS) and International Convention for the Prevention of Pollution from Ships (MARPOL). Both Conventions require chemical tankers to comply with the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code). The IBC Code provides international standards for the safe transport by sea in bulk of liquid dangerous chemicals, by prescribing the design and construction standards of ships involved in such transport and the equipment they should carry so as to minimize the risks to the ship, its crew and to the environment, having regard to the nature of the products carried. The Code is administered by the International Maritime Organization (IMO), a specialised agency of the United Nations. The IMO Committees with responsibility for the IBC Code are the Maritime Safety Committee (MSC) and the Marine Environment Protection Committee (MEPC).

3. The IBC Code has been updated to ensure consistency with new international standards for fire safety systems included in SOLAS by amendments adopted by the MSC in December 2006. The updated Code will also include new chemicals that will be transported in bulk by ships.

4. The MEPC adopted the amendments to the IBC Code by resolution MEPC.166(56) at its 56th session in July 2007. In accordance with the amendment procedure set out in MARPOL, the amendments will be deemed to have been accepted on 1 July 2008, unless, prior to that date, not less than one-third of the Parties, or Parties with a combined fleet of not less than 50 per cent of the gross tonnage of the world's merchant fleet, have communicated to the IMO their objection to the MEPC amendments. Upon acceptance, the amendments will enter into force internationally on 1 January 2009.

Reasons for Australia to take the proposed action relating to the treaty matter

5. Australia's endorsement of Resolution MEPC.166(56) is consistent not only with Australia's long-standing support for international measures to protect the marine environment, but also with Australia's active backing of (and participation in) the International Maritime Organization.

Implementing legislation

6. Minor amendments will be made to subordinate legislation, in the form of Marine Orders under the *Navigation Act 1912*, to implement the proposed treaty action.

Maritime and Land Transport Division

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