

# IMO to National legislations – How it works

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# Scope

- IMO - purpose
- IMO - structure
- IMO sessions (meetings)
- Adoption of new requirements and amendments
- International implementation of IMO instruments
- Implementation - Australian system
- My personal involvement

# IMO - purpose

- ▶ Safety
- ▶ Environment protection
- ▶ Security

## IMO Mission

*Safe, secure and efficient shipping on clean oceans*

# IMO - structure

## Committees

Assembly  
Council

Facilitation  
Committee

Technical  
Cooperation  
Committee

Legal Committee

Maritime Safety  
Committee

Marine Environment  
Protection  
Committee

# IMO -structure

## Sub-Committees

Maritime  
Safety  
Committee  
(MSC)

Ship Design and Construction  
(SDC)

Ship Systems and Equipment  
(SSE)

Human Element, Training and  
Watchkeeping (HTW)

Navigation, Communication  
and Search and Rescue (NCSR)

Carriage of cargoes and  
Containers (CCC)

Implementation of IMO  
Instruments (III)

SOLAS, STCW, LOAD LINE,  
COLREG, TONNAGE etc.

# IMO - structure continued...

## Sub-Committees

Marine Environment  
Protection Committee  
(MEPC)

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graph TD; MEPC[Marine Environment Protection Committee (MEPC)] --- PPR[Pollution Prevention and Response (PPR)];
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Pollution Prevention and  
Response (PPR)

**MARPOL**

# IMO sessions (meetings)

- ▶ Committees (C) and Sub-Committees (SC)
- ▶ Participated by
  - ▶ Member Governments (171)
  - ▶ Associates (3)
    - ▶ e.g. Hong Kong, Faroes
  - ▶ Inter-governmental organisations (IGOs)
    - ▶ e.g. EC, IHO, IMSO
  - ▶ Non government organisations (NGOs)
    - ▶ e.g. IACS, ICS, ITF, NI, BIMCO etc.
  - ▶ IGOs and NGOs have observer status

# IMO sessions (meetings) continued.....

## Proposals for new or amendments to existing, mandatory instruments

- ▶ Must be proposed by Member State(s)
- ▶ Demonstration of a compelling need
  - ▶ May be triggered by accident, casualty review, industry initiative
- ▶ Supported by analysis of:
  - ▶ implications of such amendments/new requirement
  - ▶ effect on existing requirements/instruments
  - ▶ cost to the maritime industry
  - ▶ legislative and administrative burden
  - ▶ benefits
- ▶ Indicate which Sub-Committee will be tasked and how many sessions required



# IMO Sessions (Meetings) continued.....

## Work Program

- ▶ Proposal discussed, debated and approved by parent Committee
  - ▶ Observers have no say in decision making
- ▶ Committee sets terms of reference for the SC
  - ▶ Scope of work, target completion date, referring to other SCs/C
- ▶ Task included in SC's biennial work program and agenda of the next session
- ▶ SC establishes working group during sessions and intersessional correspondence groups as necessary to progress the work
  - ▶ Any Member State and Observer can participate

# Adoption of new requirements and amendments

- ▶ Draft discussed, debated, agreed and approved by the SC
  - ▶ Observers have no say in decision making
- ▶ SC sends the agreed draft to the Committee
  - ▶ Further discussion, debate as required
  - ▶ Committee may send back to SC for further consideration/work
- ▶ Committee approves and adopts
- ▶ Tacit acceptance
  - ▶ No objection from more than one-third of Contracting Governments, or
  - ▶ No objection from Contracting Governments owning at least 50% of the world's merchant fleet
  - ▶ Comes into force usually 18 months or at least 1 year after adoption

# International implementation of IMO instruments

- ▶ IMO – cannot enforce, cannot police
- ▶ Flag State
  - ▶ legislate requirements under own jurisdiction
  - ▶ apply to own ships
  - ▶ administration or recognised organisations
  - ▶ mandatory audit scheme – audit every 7 years
- ▶ Port State
  - ▶ Inspection on foreign ships (PSC)
  - ▶ MOU with other governments and work cooperatively

# Implementation - Australian System

## Marine Orders

- Give effect to IMO and ILO Conventions and Codes for Regulated Australian Vessels (RAV)
- Subordinate legislation
- Made under
  - Navigation Act 2012
  - Protection of the Sea (POTS) Acts
    - Prevention of pollution from ships
    - Harmful antifouling system

# Implementation - Australian System

## Trigger for updating Marine Orders

- Convention change e.g. SOLAS amendment
- Perceived need e.g. policy change, industry driven etc.
- Sun setting provision – must remake every 10 years

# Implementation - Australian System

## Planning

- Six-monthly program for review and updating of Marine Orders
- The program takes into account effective dates of convention changes and any perceived need
- Members of Marine Order Draft team are allocated coordinator roles for reviews
- Program gets approved by the Executive

# Implementation - Australian System

## Some external processes involved

- Joint Standing Committee on Treaties (JSCOT)
- Office of Best Practice Regulation (OBPR)
  - Regulation Impact Statement (RIS)
  - Preliminary Assessment Form (PAF)
- Parliamentary scrutiny – all Marine Orders are subject to disallowance

# Implementation - Australian System

## Marine Order review process

- Initiating minute with drafting instructions
- Internal consultation
- External consultation
- Approval of the final draft
- Marine Order made by the CEO
- Marine Order registered on the Federal Register of Legislation



# My personal involvements

## With IMO

- ▶ Head Australian delegation to IMO Sub-Committee on Ship Design and Construction
- ▶ Participate in working and correspondence groups to develop amendments, new requirements, codes, guidelines
- ▶ Negotiate with other delegations to secure support for Australian proposals

# My personal involvements

## Within AMSA

- ▶ Prepare and submit documents to SDC and MSC meetings
- ▶ Develop brief for Australian delegation to IMO
- ▶ Consult stakeholders to take position for Australia
- ▶ Coordinate and lead Marine Order review
- ▶ Give instructions to legal drafters
- ▶ Carry out internal and external consultation with stakeholders
- ▶ See through the review process to completion

# My personal involvements

## Some contributions at IMO

- ▶ Led the development of a new SOLAS requirement for recovery of persons from water (regulation III/17-1)
- ▶ Actively participated in the development of the *Code on Noise Levels on Board Ships*
- ▶ Made significant contribution to the development of the *Polar Code*
- ▶ Currently engaged in the development of mandatory instruments for:
  - ▶ Safe Mooring
  - ▶ Carriage of more than 12 industrial personnel on international voyages

# My personal involvements

## Some pictures from SDC at IMO







**Thank you for your attention!**

