

Australian Transport Council

National Standard
for
Commercial Vessels

PREAMBLE

Edition 1

First Published — August 2002

Second Publication — April 2005 (on CD)

Draft for public comment issued — 22 December 2000

Endorsed by the Australian Transport Council — July 2002

© Commonwealth of Australia

This work is copyright. Apart from any use as permitted under the *Copyright Act 1968*, no part may be reproduced by any process without written permission of the CEO, NMSC Inc.

Published by The National Marine Safety Committee Inc, Level 11, 207 Kent Street, Sydney NSW 2000. All inquiries to be addressed to the Director, NMSC Inc.

PREAMBLE TO THE NATIONAL STANDARD FOR COMMERCIAL VESSELS

INTRODUCTION

The National Standard for Commercial Vessels has been developed following a review of the Uniform Shipping Laws Code (USL Code).

The National Standard for Commercial Vessels (NSCV) replaces the USL Code as the current standard for commercial vessels. It provides a common national standard for the design, construction, crewing and operation of vessels.

BACKGROUND

The Australian Transport Council (ATC) established the National Marine Safety Committee (NMSC) in 1997 under an Intergovernmental Agreement to promote a uniform national approach to marine safety in Australia through the implementation of the ATC's draft National Marine Safety Strategy.

The Strategy, as published in 1998, identified a number of strategic actions necessary to achieve and sustain a uniform national approach to marine safety, including the following:

- a) Develop and promulgate standards based on recognised and approved national and international standards for the design and construction of vessels.
- b) Encourage the development of professional competence in vessel design, construction and survey.
- c) Introduce and support performance-based standards as an alternative to prescriptive standards.
- d) Establish practices for assessing new technologies or operations in a timely manner and facilitate rapid transfer into standards.
- e) Incorporate occupational health and safety (OH&S) principles into design and construction standards.
- f) Establish standards for crew levels and qualifications.
- g) Encourage the incorporation of OH&S concepts and practices in marine training programs and in determining crew levels of fishing vessels.
- h) Encourage vessel operators to recognise their duty of care to employees and passengers.

These strategic actions shaped the review of the USL Code and are reflected in the content and format of the NSCV.

OBJECTIVES

The objectives of the NSCV are to—

- a) protect the health and safety of persons from hazards arising from the operation of commercial vessels;
- b) protect the environment from hazards arising from the operation of commercial vessels in the marine environment; and
- c) facilitate the transfer of vessels and the recognition of crew qualifications between Australian States and Territories.

APPROACH

The NSCV promotes a uniform national approach to the safety of commercial vessels and the protection of the environment by—

- a) providing information on the safety obligations and responsibilities of people who design, build, operate and otherwise exercise control over the safety of commercial vessels;
- b) specifying nationally agreed standards for vessel design, construction and equipment for the issue of Certificates of Survey;
- c) specifying nationally agreed standards for the issue of Certificates of Competency; and
- d) specifying nationally agreed standards for the operation and crewing of vessels.

STRUCTURE

The NSCV is comprised of six Parts, five of which contain requirements that are mandatory for compliance with the standard.

Figure 1 illustrates the structure of the NSCV and Table 1 provides a summary of the contents of the standard.

The six Parts of the NSCV are as follows:

- Part A—Safety Obligations
- Part B—General Requirements
- Part C—Design and Construction
- Part D—Crew Competencies
- Part E—Operational Practices
- Part F—Special Vessels

The NSCV is supported by the National Marine Guidance Manual. The National Marine Guidance Manual contains additional information, which provides an aid to uniform interpretation and application of the National Standard.

Part A

Part A aims to raise the awareness of all parties involved in the design, construction, supply, ownership and operation of commercial vessels of the need to provide for the safety of persons and to work safely. These obligations currently exist under the various State and Territory OH&S Acts and in common law.

Part A does not establish or impose new safety obligations on the industry. It sets out in general terms, information that describes these existing safety obligations in a form relevant to the commercial vessel industry. This information is only for guidance and persons should refer to applicable OH&S and other legislation for details of mandatory requirements.

Part A highlights the wider responsibilities relating to the safety of a commercial vessel that should at all times be considered. Compliance with Parts B to F of the NSCV by itself may not be sufficient to fully discharge these responsibilities, though such compliance should go a long way towards doing so. There is an onus on each party to identify hazards, analyse risks and control risks that are not adequately addressed by the NSCV, given the particular circumstances of the vessel and its operation.

It is important to note that in relation to the NSCV, compliance with Part A is not required in order for a Certificate of Survey to be issued for a vessel, or a Certificate of Competency to be issued to a person.

Parts B, C, D, E and F

These Parts specify basic standards for the design, construction, crewing and operation of domestic commercial vessels.

They contain agreed required outcomes and technical solutions for the issue of certificates of compliance (e.g. Certificates of Survey and Certificates of Competency) by the various Commonwealth, State and Territory marine authorities. Compliance with Parts B, C, D, E and F is mandatory by law if made so by the applicable Commonwealth, State and Territory legislation.

Parts B, C, D, E and F provide standards to control risks that are commonly found on most vessels. However, these standards are not exhaustive, nor do they replace duty of care responsibilities described in Part A.

HOW TO USE THIS STANDARD

The NSCV has been written to allow flexibility in application while maintaining consistency. It does this by specifying performance in the form of required outcomes. While the required outcomes are mandatory, the means of satisfying those required outcomes are not fixed. Solutions may be either deemed-to-satisfy prescriptive solutions that are specified within the NSCV, or equivalent performance-based solutions that are proposed by the applicant.

Figure 2 illustrates the approach and the options available to users of the NSCV.

Deemed-to-satisfy solutions

The NSCV contains prescriptive solutions similar to those of the earlier USL Code. Compliance with these prescriptive solutions is deemed-to-satisfy the required outcomes.

The benefit of adopting a deemed-to-satisfy solution is that there is no onus on the applicant to prove compliance with the corresponding performance standard. The convenience of this option comes at a cost in that flexibility in the solution is limited.

Equivalent solutions

Equivalent solutions are solutions that achieve the required outcomes by means other than that which is deemed-to-satisfy. An equivalent solution must be “proven to satisfy” the required outcomes, either directly or by showing its performance is at least equivalent to that of the deemed-to-satisfy solution.

The benefit of using an equivalent solution is that it greatly increases the options available for achieving the required outcome, allowing for innovation and the adoption of new technology. However, in adopting an equivalent solution, the applicant must bear the cost of proving that the equivalent solution meets the applicable required outcomes.

The deemed-to-satisfy solutions specified within the NSCV provide an integrated safety system that combines a vessel’s technical characteristics, operator competencies and safety management procedures to control risk. In formulating an equivalent solution, elements of the safety system should not be altered without considering the potential impact on the effectiveness of the safety system as a whole.

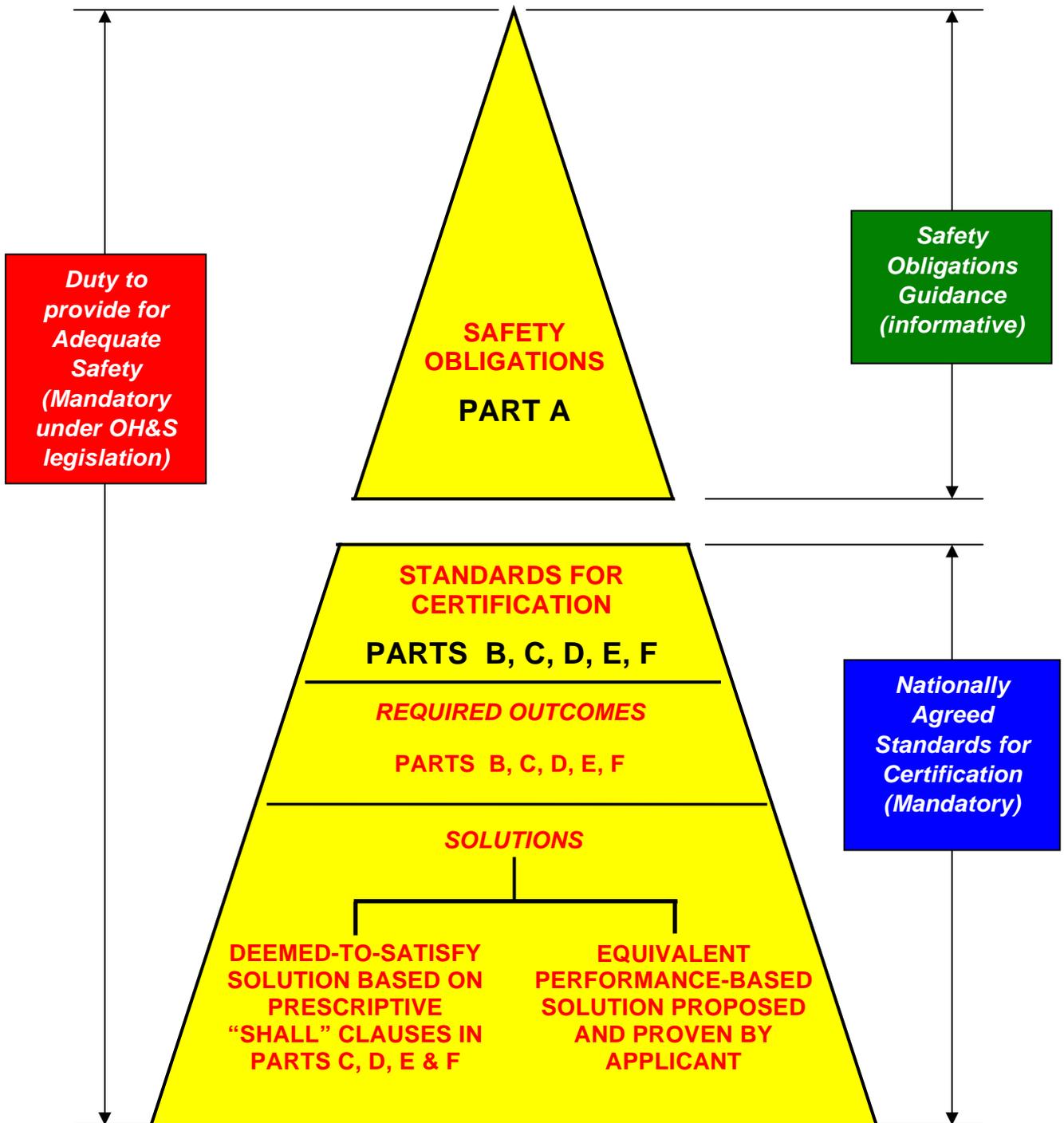


Figure 1 — Structure of the National Standard for Commercial Vessels

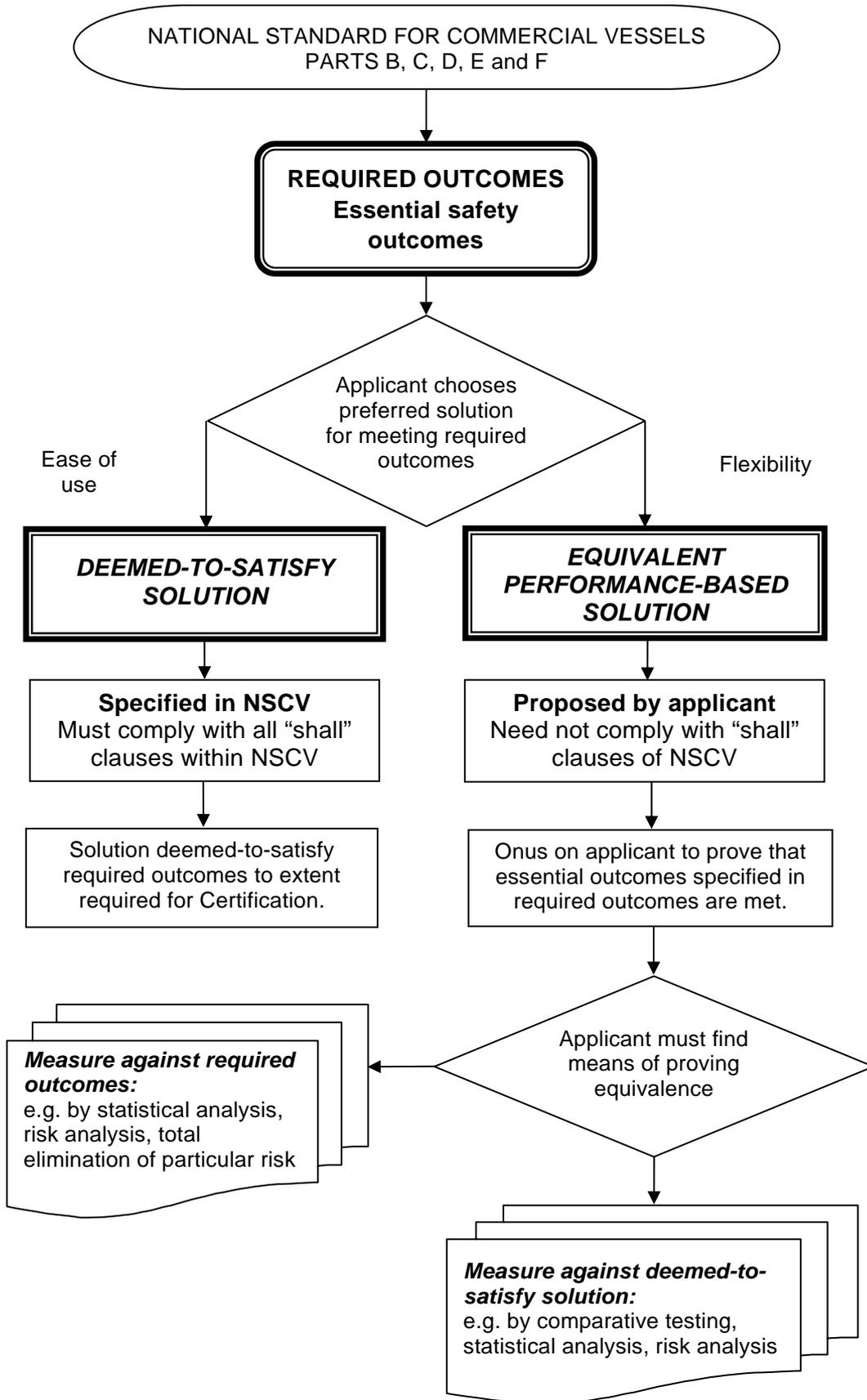


Figure 2 — Flowchart for the National Standard for Commercial Vessels

Table 1 — Contents of the National Standard for Commercial Vessels**Part A: SAFETY OBLIGATIONS****Part B: GENERAL REQUIREMENTS****Part C: DESIGN & CONSTRUCTION****Section 1: Arrangement, Accommodation and Personal Safety****Section 2: Watertight and Weathertight Integrity**

Subsection 2A—Load Line Vessels

Subsection 2B—Non Load Line Vessels

Section 3: Construction

Subsection 3A—General

Subsection 3B—Design Loadings

Subsection 3C—Aluminium Construction

Subsection 3D—FRP Construction

Subsection 3E—Steel Construction

Subsection 3F—Timber Construction

Section 4: Fire Safety**Section 5: Engineering**

Subsection 5A—Machinery

Subsection 5B—Electrical

Subsection 5C—LPG for Appliances

Subsection 5D—LPG for Engines

Section 6: Stability

Subsection 6A—General Requirements

Subsection 6B— Intact Stability

Subsection 6C—Buoyancy and Stability after Damage

Section 7: Equipment

Subsection 7A—Safety Equipment

Subsection 7B—Communication Equipment

Subsection 7C—Navigation Equipment

Subsection 7D—Anchoring and Mooring Equipment

Part D: CREW COMPETENCIES**Part E: OPERATIONAL PRACTICES****Part F: SPECIAL VESSELS****Section 1: Fast Craft**

Subsection 1A—General Requirements

Subsection 1B—Category F1 Fast Craft

Subsection 1C—Category F2 Fast Craft

Section 2: Hire and Drive**Section 3: Novel Vessels****Section 4: Special Purpose Vessels**