

Australian Transport Council

National Standard
for
Commercial Vessels

PART A
SAFETY OBLIGATIONS

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FOREWORD

This Part of the National Standard for Commercial Vessels was developed to address a number of significant strategic actions in the National Marine Safety Strategy (1998), namely to:

- a) Encourage the development of professional competence in vessel design, construction and survey.
- b) Incorporate occupational health and safety (OH&S) principles into design and construction standards.
- c) Encourage the incorporation of OH&S concepts and practices in marine training programs and in determining crew levels of fishing vessels.
- d) Encourage vessel operators to recognise their duty of care to employees and passengers.

This Part was developed by the NMSC Secretariat in consultation with the National Occupational Health and Safety Commission. It was workshopped with industry in December 1999 and released for public comment in December 2000.

The final document was approved by the NMSC in February 2002, with the Australian Transport council endorsing Part A in July 2002.

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CHAPTER 1 PRELIMINARY

1.1 SCOPE

This Part provides guidance on the safety obligations and responsibilities of persons who design, build, own, operate and otherwise exercise some control over the safety of commercial vessels.

1.2 APPLICATION

Part A applies to designers, builders, suppliers, owners, operators and others that exercise some control over the safety of a commercial vessel, be it new or existing. The provisions of this Part are informative for the purposes of compliance with this standard.

1.3 OBJECTIVE

The objective of this Part is to protect the health and safety of persons by—

- a) ensuring that hazards associated with the operation of commercial vessels in the marine environment are identified and risks to health and safety within the work environment are assessed and controlled;
- b) controlling to acceptable levels, and eliminating where practicable, risk to health and safety arising from the operation of commercial vessels; and
- c) requiring the provision of relevant information.

1.4 DEFINITIONS

For the purposes of this Part of the NSCV—

- a) the definitions provided in Part B of the NSCV, in addition to the definition in this Clause, shall apply; and
- b) where there is any duplication in the terms defined between this Clause and Part B, the definition in this Clause shall apply.

supplier—

a person who supplies a vessel or components of a vessel, by way of sale, lease, exchange or hire, whether as a principal or agent to another. It includes a person who imports a vessel into a jurisdiction.

CHAPTER 2 DUTIES

2.1 SCOPE

Chapter 2 provides guidance on general and specific duties applicable to persons that exercise some control over the safety of a vessel.

2.2 APPLICATION

The general and specific duties listed in this Chapter are illustrative and should not be considered exhaustive.

2.3 GENERAL PRINCIPLES

A person should apply the principle that risk to health and safety arising from the operation of commercial vessels and systems of work associated with such vessels should be controlled to acceptable levels, or eliminated wherever practicable.

The extent of the duty under this part should not be taken as being limited by the standards required for the issue of a Certificate of Survey, or Certificate of Competency as expressed in Parts B, C, D, E and F of this National Standard.

If more than one person is under an obligation to comply with a clause, each person should comply with the clause regardless of the fact that others may also have some, or the same, responsibility.

2.4 GENERAL DUTIES

2.4.1 Hazard identification

Each person with responsibility for the safety of a vessel should ensure that hazards arising from the vessel and its operation are identified.

2.4.2 Risk assessment

Where a hazard is identified under Clause 2.4.1, a person with responsibility for the safety of the vessel should ensure that an assessment is made of risks associated with the hazard.

In carrying out the risk assessment, the person should assess—

- a) the suitability of the vessel for the environment in which it is required to operate;
- b) the range of environmental and operational conditions in which the vessel is intended to be used;
- c) the personal safety of persons, whether they be on board the vessel or other third parties affected by the vessel; and
- d) the need for safe access and egress to, from and within the vessel.

2.4.3 Control of risk

Where, under Clause 2.4.1, a hazard has been identified which presents a risk to health and safety, a person with responsibility for safety of the

vessel should control the risk to acceptable levels, or eliminate the risk where practicable.

Risk may be controlled to acceptable levels or eliminated by reducing or eliminating the exposure to hazards or by reducing or eliminating the consequences that result from a hazard or a combination of both of these.

Depending upon the nature and extent of control available to the particular person, the person should ensure that—

- a) persons that design, build, operate, maintain and otherwise exercise control over the safety of a vessel have the appropriate levels of competence needed to undertake these duties;
- b) measures are incorporated in the design and construction of the vessel to minimise the risks assessed under Clause 2.4.2;
- c) appropriate equipment is provided and maintained to minimise the risks assessed under Clause 2.4.2;
- d) measures are adopted when operating and maintaining the vessel to minimise the risks assessed under Clause 2.4.2; and
- e) relevant safety information is supplied and the vessel is designed, constructed, operated and maintained in accordance with applicable safety information (see Clause 2.4.4).

2.4.4 Provision of information

A person with responsibility for the safety of a vessel should ensure that information relevant to the safety of the vessel is provided for others that may need to rely on that information in order to discharge their obligations for safety. Such information should include, but is not limited to—

- a) the purpose for which the vessel is designed;
- b) any limitations on the use of the vessel;
- c) special hazards that may be associated with the vessel;
- d) testing or inspections to be carried out on the vessel;
- e) operational and maintenance procedures necessary for the safe use of the vessel;
- f) special knowledge, training or skills necessary for persons operating or maintaining the vessel; and
- g) emergency procedures.

2.4.5 General prohibitions

Persons should not—

- a) wilfully or recklessly interfere with or misuse anything provided in the interests of health and safety; or
- b) wilfully endanger the health and safety of any person.

2.5 SPECIFIC DUTIES—APPLICATION

The duties specified within Clauses 2.6 to 2.11 are additional to the general duties specified under Clause 2.4.

2.6 SPECIFIC DUTIES OF DESIGNERS

2.6.1 Design process

A designer should ensure that hazards arising from a vessel or systems of work associated with a vessel are identified during the design process.

Where a hazard has been identified in the design of the vessel that presents a risk to health and safety, the designer should incorporate solutions in the design that control the risk to acceptable levels, or eliminate the risk where practicable.

2.6.2 Provision of information

A designer should ensure that the builder is provided with sufficient information for the vessel to be constructed in accordance with the design.

2.6.3 Hazard identification during build and operation

A designer should be responsive to the resolution of unacceptable risks that may be identified during building or subsequent operation of the vessel.

2.7 SPECIFIC DUTIES OF BUILDERS

2.7.1 Duty where builder acts as designer

Where the builder has a significant role in the design of part, if not the entire vessel, the builder should assume the same responsibilities as the designer in Clause 2.6.

2.7.2 Duty where designer is outside Australia

Where the designer is outside Australia, a builder should assume the responsibilities normally ascribed to the designer in Clause 2.6.

2.7.3 Duty to meet designer's specifications

Subject to Clauses 2.4, 2.7.4 and 2.7.5, the builder should ensure that the vessel is constructed, inspected and, where required, tested to verify that it meets the designer's specifications.

2.7.4 Faults identified during construction

If the builder identifies during the construction process a fault in the design that may affect health or safety, that fault should be controlled, and measures put in place to ensure that the fault is not incorporated into the vessel. The designer of the vessel should be consulted regarding the rectification of the fault.

2.7.5 Hazards and risks identified during construction

Where a hazard or risk arising from the design of the vessel being constructed is identified during the construction process, the builder should inform the designer and seek that assessment is made of risks associated with that hazard by the designer.

2.7.6 Faults identified after handover

If after handover to an owner or supplier, the builder identifies a fault in the vessel that may affect health or safety, the builder should advise the owner or supplier of the fault and fault rectification requirements.

2.8 SPECIFIC DUTIES OF SUPPLIERS**2.8.1 Duty where designer and builder reside outside Australia**

Where the designer and builder of a vessel reside outside Australia, a supplier who imports the vessel should assume the responsibilities ascribed to the designer and builder in Clauses 2.6 and 2.7.

2.8.2 Duty of disclosure

A supplier should ensure that any faults are identified and the purchaser, hirer, or owner is advised of those faults in writing, prior to the vessel or components of the vessel being supplied. If the supplier becomes aware of any hazard or potentially unacceptable risk subsequent to supply, then the supplier should tell the person.

2.8.3 Duty where supplier is hirer

Where the supplier is responsible as a hirer for the management and control of a vessel, the supplier should ensure that risks to health and safety arising from the operation of the vessel are controlled to acceptable levels, or eliminated where practicable.

2.8.4 Provision of information

A supplier should ensure that the purchaser or owner of a new vessel is provided with all information relating to health and safety provided to the supplier by the builder and designer.

2.9 SPECIFIC DUTIES OF OWNERS AND EMPLOYERS**2.9.1 Consultation**

Owners and/or employers should consult with employees regarding—

- a) hazard identification, risk assessment and control of risk;
- b) training needs;
- c) use of information regarding the safe operation of the vessel; and
- d) changes of systems of work which may affect health and safety.

2.9.2 New vessels, alterations to vessels, changed operations

An owner and/or employer should ensure that hazards are identified, risks analysed and risks controlled to acceptable levels, or eliminated where practicable—

- a) before the vessel enters into service; and
- b) before any—
 - i) alteration to the vessel; or
 - ii) change in a system of work; or

- iii) change in the area of operation.

2.9.3 Work practices

The employer should ensure that—

- a) the various technical and operational measures intended for the control of risk are implemented and maintained as required so as to keep risks to health and safety within acceptable levels;
- b) systems of work are implemented and effectively supervised so as to control to acceptable levels risks to health and safety; and
- c) where personal protective equipment is required, the equipment is provided and maintained.

2.9.4 Training, information, instruction and supervision

An owner or employer should ensure that persons likely to be exposed to risk, and anyone supervising those persons, are appropriately trained and provided with information regarding—

- a) the nature of the hazards;
- b) safety procedures;
- c) the proper use of control measures;
- d) personal protection and safety equipment;
- e) the use of specific safety information relevant to the vessel; and
- f) the maintenance of proper records.

2.9.5 Design

Where an owner engages a contractor to design a vessel or part of a vessel, the owner should ensure that the contractor is provided with all necessary information about the proposed operation of the vessel and systems of work on the vessel so that the risks to health and safety associated with the proposed operation may be taken into account during the design process.

2.9.6 Commissioning

An owner and/or employer should ensure that—

- a) the person responsible for commissioning a vessel is provided with such information as necessary to minimise risks to health and safety;
- b) the vessel is commissioned in a suitable location;
- c) safe access and egress are provided;
- d) appropriate safeguards are used during testing; and
- e) a contingency plan exists for emergency situations.

2.9.7 Use and repair

An owner or employer should ensure that—

- a) the vessel is not operated by a person unless that person has received adequate information and training;
- b) the vessel is used only for the intended purpose;

- c) where access is required for the purpose of maintenance or repair, equipment is made safe by using lockout or isolation devices, danger tags, permit-to-work systems, or other control measures;
- d) safety features and warning devices are maintained and tested; and
- e) repairs are carried out by competent persons.

2.9.8 Emergency procedures

An owner or employer should ensure that information on emergency procedures relating to the vessel is displayed in a manner that can be readily observed by persons who may be exposed to risks arising from the use of the vessel.

2.9.9 Specific requirements for certain plant

Owners and employers are required by Occupational Health and Safety (OH&S) legislation to meet specific duties for the control of risk pertaining to certain plant that might be installed on a vessel, including:

- a) Boilers and other plant under pressure.
- b) Machinery or equipment having exposed moving parts.
- c) Hot or cold working conditions in using equipment on a vessel.
- d) Electrical equipment on a vessel.
- e) Plant designed to lift or move persons, equipment or materials.

2.9.10 Record keeping

An owner or employer should make and keep records on any relevant tests, maintenance, inspection, commissioning and alteration of the vessel or its equipment.

2.10 SPECIFIC DUTIES OF MASTERS AND OTHER SUPERVISING PERSONS ON THE VESSEL

2.10.1 Agent of the employer

The master and other supervising persons on the vessel should fulfil the duties pertaining to owners and employers in Clauses 2.4 and 2.9 in their capacity as the agent of the employer, to the extent that these matters are within their control.

2.10.2 Matters within their control

Matters within the control of the master and other supervising persons on the vessel should include, but need not be limited to, the following:

- a) A safe working environment.
- b) Ensuring safe systems of work.
- c) Maintaining equipment in a safe condition.
- d) Ensuring safe access and egress to the vessel.
- e) The provision of information, instruction, training and supervision to ensure that each employee is safe from injury and risk to health.

2.11 SPECIFIC DUTIES OF EMPLOYEES**2.11.1 Duty to provide for one's own safety and the safety of others**

Employees should comply with the risk management initiatives of the workplace. Where a situation arises that is not covered by these risk management initiatives, employees should comply, to the extent that they are capable, with the general duties listed in Clause 2.4.

2.11.2 Reporting to employers

Employees should report promptly to their employer the presence of any hazards of which they become aware and any other matters that may affect the employer's compliance with the employer's duties under this Part.