

# NATIONAL COMMERCIAL FISHING INDUSTRY RESPONSE TO CHANGES TO THE USL CODE

John Maddams



Industry Council inc.



CORPORATION

# Project No. 2000/234 Table of Contents

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## Non Technical Summary

#### PRINCIPAL INVESTIGATOR: John Maddams

#### **ADDRESS:**

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#### **OBJECTIVES:**

- Conduct at least two rounds of State/Territory workshops, coordinated and managed by an Australian Seafood Industry Council (ASIC) appointed secretariat (the Western Australian Fishing Industry Council [WAFIC] accepted this role) to formulate State/Territory positions in relation to the Uniform Shipping Laws Code (USL Code) amendments and National Marine Safety Strategy.
- 2. Develop a report that summarises the views and recommends a national approach to the USL Code issues from the Commercial Fishing Industry.
- 3. Present ASIC's recommendations and findings to the National Marine Safety Committee (NMSC).

#### NON TECHNICAL SUMMARY:

#### NEED

In the drafting of the new national safety standards, ASIC considered it an imperative that the industry's interests should be acknowledged and not dominated by other and perhaps more vocal sectors of the broader maritime industry. ASIC sought therefore to instigate a process that would result in a collated national industry response to the new National Marine Safety Strategy.

In March 2000 a project application was forwarded by WAFIC, acting on behalf of ASIC, to the Fisheries Research and Development Council (FRDC), for industry to access the necessary funds to support a series of State/Territory and National workshops to progressively review the development of the Parts of the new NSCV and to collate industry's response on behalf of ASIC for presentation to NMSC.

#### RESULTS

**Proposal to Combine Sections II and III of the Code**. Issues either commented on or upon which industry's position was made included: definition of propulsion power, revalidation requirements for fishers, seatime, licensing, assessment and issue of mandatory certificates, First Aid and medical kit requirements, crewing requirement and qualifications, operational limitations, and categorisation of vessels.

Comment was mainly levelled at the 'shifting goalposts' in respect of crewing and qualifications and certification requirements creating added difficulties to the architects of the National Seafood Industry Training Package who, at the time, were attempting alignment of the new training package to the requirements of the USL Code.

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'Guidelines for Safety Training'. Industry made a strong deputation in support of the word 'Guidelines' in opposition to the original word 'Standard' to detract from the potential risk of litigation and to ward off any suggestion that minimum training standards for deckhands should become mandatory.

Other suggestions to refine the content of the document and points of clarification were sought which included: avoidance of duplication of Occupational Health and Safety (OH&S) regulations, deletion of reference to STCW, possible interference by higher marine authorities, refreshing crew on safety information and virtue of introducing Deckhand Training Logbooks.

**New National Standard** A decision was made to develop a new national safety standard for commercial vessels: it became identified as the National Standard for Commercial Vessels (NSCV). The standard was to be developed in five parts. Comments on their progressive development are as follows:-

**Part A - Safety Obligations**: Considerable discussion resulted on the need for a Part A. General consensuses favoured this section remain as informative only, suggesting it could be presented in the form of a brief paragraph and re-appear either as an ASIC or NMSC sponsored guideline booklet drawing together all States /Territory OH&S, Environmental Protection Authority (or equivalent) and other relevant regulations. Alternatively, each State/Territory could produce its own Guidelines. Some workshop representatives however conceded this section is informative and should remain. A resolution was finally formulated as follows. "Section A be removed from the NSCV and appear as a 'Guidelines' document, arranged by ASIC, with input from each jurisdiction.' This proposal was finally rejected by NMSC.

# **Part B - General Requirements** The major issues discussed and reported on included:

	1 to main and of many many of donth of		hazards and risk assessment
0	determinant of measurement of depth of	0	Hazarus and Hsk assessment
	a vessel	0	guarding
0	what authority determines 'competency'	0	exemptions v's equivalent
0	vessels and crewing		solutions
0	restricted offshore operations	0	appeals process and Register of
0	vessels with parasailing deck		Applications
	measurement using sight boards ashore		
	or afloat		

#### **Part C - Design & Construction / Engineering** reported on included:

The major issues discussed and

vessel measurement	0	bilge pumps
reduced signage	0	sole piece specification
outboard motors	0	alarm systems & exits
remote engine shutdown	0	electrical safety
engine & essential monitoring		procedures
materials	0	isolation of batteries
	vessel measurement reduced signage outboard motors remote engine shutdown engine & essential monitoring materials	vessel measurementOreduced signageOoutboard motorsOremote engine shutdownOengine & essential monitoringOmaterialsO

 			hattery & emergency
0	crewing & vesser size limitations	0	
0	air extraction engine room shaft		switchboard
	diameters	0	emergency &
0	coupling flange dimensions		simultaneous power
0	flexible stern glands		supply
0	baffles	0	LPG installation &
0	metallic tanks		repair by industry
0	valves and cocks		tradespersons.
0	plastic piping		

**Note :** The details of the workshop outcomes relating to Parts A - C inclusive are at Appendix Two.

**Engineer Crewing - Risk Management** The outcomes of this workshop activity drew concern over the factors determining engineer crewing requirements; importance of practical (engineering) fault finding integrated with good seamanship and attentiveness skills; need for hazard identification / trouble shooting and remedial engineering skills; consequences of poor maintenance; relevance of existing Marine Engine Driver (MED) qualifications; importance of partnership arrangements between Registered Training Organisations (RTOs) and industry; merits of a 'competency' V's a 'qualification' driven system for crewing; importance of proper, relevant and adequate survey and merits of the 'deemed to satisfy' V's 'prescriptive solution' approach of the NSCV; reluctance toward 'over –regulation'; and electrical 'endorsements' V's overkill 'trade requirements' imposed on MED's.

**Note** Details of the Engineer Crewing - Risk Management workshop are at Appendix Four.

Part C Section 7 Sub Section 7a: Safety Equipment and reported on included:

The major issues discussed

	retrieval – man overhoard	0	maintenance requirements for
	EDIDB's		life raft equipments
	Einst Aid equipment and drugs		inflatable design & construction
0	Flist Ald equipment and drugs		requirements for coastal life
0	operational area below 53 degrees South		ioakets
0	anti-exposure suits		Jackets
0	requirements for rescue boats	0	requirements for pyrotectime
			signals

<u>Note</u>: Further details on the workshop outcomes from the above Section are at Appendix Four

**Part D - Crew Competencies** Topics drawing most attention included: revalidation requirements for Skippers Level I and II; common V's separate Master V/Skipper III certificates; Coxswain certificates remaining common to both Fishing and Trading sectors and First Aid Kit contents and certification requirement by a crew member on all commercial vessels.

Factions within industry feel industry has been forced into accepting NMSC's rulings on Part D. A number of issues remain of concern – namely the relevance of Seatime in a competency based training and assessment environment and the importance of having

mandatory crew qualifications for fishers separate to the broader maritime industry. Industry in general accepts, with reluctance, NMSC's rulings on those aspects of Part D with which it does not agree but does so on the proviso that no part of the NSCV is 'set in concrete' and that all standards are subject to 'ongoing maintenance and review'.

On-going discussion on Part D has led to a review and matching of Vessel Operation competencies and requirements for Coxswain, Master IV and Marine Engine Driver (MED) I & II qualifying requirements detailed in the National Transport and Storage and National Seafood Industry Training Packages and mapping of these common competencies against the requirements of Part D of the NSCV. Work remains in progress on this issue.

**Note:** Further details on the workshop outcomes regarding Part D are at Appendix Three

Part E - Operations:	The major issues discussed and reported on include
Part E - Operations:	The major issues discussed and reported on mend

	0	steering gear minimum emergency training muster stations	0	checking equipment watch keeping hiring of un-trained crew	
	000	cyclone & severe weather plans safety management systems (SMS')	0	assembly stations	
ļ					

#### PLANNED OUTCOMES

These are listed as follows:

- Early deliberations with NMSC on revising the USL Code and discussions on merit in reproducing a new set of comprehensive marine safety standards able to be more readily amended /up-dated and reproduced in hard copy and electronic formats helped shape NMSC's decision to develop a new standard (NCSV) rather than refurbish the old (USL Code).
- Involvement in deliberations that resulted in the 'Guidelines for Safety Training' publication saw the document produced as 'Guidelines' rather than 'Standards' as was the original intention. These 'Guidelines for Safety Training' form an ideal checklist / reminder for drills and training requirements for deck crew. They serve to develop the principles of best practice for crew and passenger safety rather than a list of imperatives against which punitive action for negligence can be taken against 'offenders' in a court of law the 'carrot v's the stick' approach.
- Outputs on draft Part A resulted in publication despite industry's preferred position that Part A be deleted as it duplicated what was already provided for in jurisdictional OH&S regulations and under Common Law.
- Part C outputs were of a fine-tuning nature, the focus being on engineering procedures, systems and design appropriate to fishing vessels needing consideration for acceptance within the broader maritime sector e.g. use of plastic piping, acceptability of outboard motor(s) within prescribed areas of operations, emergency electrical repair, etc. The matter of risk analysis affecting contents of

Fist Aid kits (namely drugs) and need to institute a more appropriate range of qualifications for engineering crew remains under consideration.

- Outputs on draft Part D resulted in shared (v's separate) certification requirements for crew qualifications up to Master V/Skipper III and MED I level. As mentioned earlier, industry was not able to form a consensus on this issue. Industry's planned outcome of convincing NMSC of doing away with Seatime altogether was, for the present time, unsuccessful. Work is outstanding on arriving at an NMSC agreed set of Vessel Operations competencies acceptable to the Seafood and broader Maritime Industries.
- Operational outputs relating to draft Part E are, at the time of writing this report, being considered by NMSC. The new Part E is expected be made available to the public in 2003.
- Draft Part F has not been issued for public comment.

#### ACKNOWLEDGEMENTS

WAFIC acknowledges the funding support provided by FRDC to enable States and Territory representatives from the Commercial Fishing Industry (hereafter referred to as the industry) to gather for the purpose of conducting the workshops to progressively review the draft Parts of the new marine safety standards. Without such funding support industry would not have been able to establish and maintain its profile as an important stakeholder in the broader maritime arena and therefore able to influence the NMSC team in the drafting of the new standards that emerged as the NSCV.

WAFIC further wishes to acknowledge the benefit of having an NMSC presence at all the ASIC workshops, the opportunity to participate at the two NMSC Conferences in Brisbane in November 2000 and September 2001, and Mr David Oliver's presence at all WAFIC meetings and workshop activities. The benefit of having NMSC representation at these occasions has, it is felt, made a considerable impact upon NMSC's understanding of the industry's perspective on the major issues relevant to the interests of commercial fishermen which has been a guiding influence in the drafting the NSCV.

Acknowledgement is also given to the time and effort volunteered by industry representatives in particular and for the valuable input of all workshop participants involved in the discussions and drafting of recommendations to NMSC that highlighted what was deemed to be in industry's best interest.

#### BACKGROUND

The Australian Transport Council (ATC) established the NMSC in 1997 under an Intergovernmental Agreement to promote a uniform national approach to marine safety in Australia.

The NMSC subsequently prepared a National Marine Safety Strategy, which was endorsed by ATC. The Strategy, as published in 1998, identified a number of strategic actions necessary to achieve and sustain a uniform national approach to marine safety that included:

- developing and promulgating standards based on recognized and approved national and international standards for the design and construction of vessels;
- encouraging the development of professional competence in vessel design, construction and survey;
- introducing and supporting performance based standards as an alternative to prescriptive standards;
- establishing practices for assessing new technologies or operations in a timely manner and facilitating rapid transfer into standards;
- incorporating Occupational Health and Safety (OH &S) principles into vessel design and construction standards.
- establishing standards for crew levels and qualifications.
- encouraging the incorporation of OH &S concepts and practices in marine training programs and in the determination of crew levels for fishing vessels and
- encouraging vessel operators to recognise their duty of care toward employees and passengers.

In the ensuing eighteen months (1999 – June 2000) NMSC sought to incorporate the above within the review of the USL Code so that it could eventually be incorporated/ developed into a new national standard for marine safety; reviewing marine safety communications and introducing consistent marine safety legislation aimed at enabling a seamless transfer of vessels between jurisdictions.

The new standard became the NSCV. It was to be comprised of six Parts, as follows:

Part A: Safety Obligations Part B: General Requirements Part C: Design and Construction / Engineering Part D: Crew Competencies Part E: Operations Part F: Special Craft

The relationship between the USL Code and the NSCV is shown in the Table below:

National Standard for Commercial Vessels (NSCV)		Uniform Shipping Laws (USL) Code		
Part A:	Safety Obligations	New		
Part B:	General Requirements	Section 1, 14		
Part C:	Design and Construction	Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 16		
Part D:	Crew Competencies	Sections 2, 3		
Part E:	Operation	Section 15		
Part F:	Special Craft	Section 18, new sections for Fast Craft and Unconventional Craft		

#### Table 1. Comparison Between the NSCV and USL Code

#### NEED

In the drafting of the new NSCV, ASIC considered it an imperative that the industry's interests should be acknowledged and not dominated by other and perhaps more vocal sectors of the broader maritime industry. ASIC sought therefore to instigate a process that would result in a collated national industry response to the new National Marine Safety Strategy.

In March 2000 a project application was forwarded by WAFIC, acting on behalf of ASIC, to FRDC, for industry to access the necessary funds to support a series of State/Territory and National workshops to progressively review the development of the Parts of the new NSCV and to collate industry's response on behalf of ASIC for presentation to NMSC.

#### **OBJECTIVES**

- Conduct at least two rounds of State/Territory workshops, coordinated and managed by an ASIC appointed secretariat (WAFIC) to formulate State/Territory positions in relation to the USL Code amendments and National Marine Safety Strategy.
- 2. Develop a report that summarises the views and recommends a national approach to the USL Code issues from the industry.
- 3. Present ASIC's recommendations and findings to the NMSC.

#### METHOD

**Process:** NMSC established a timelines program for developing Parts A - F of the NSCV. This is shown at Appendix One.

The review process was instigated by NMSC drafting, on a progressive basis, each Part and various sections within each Part, of the NSCV. These documents were made available for public comment.

The main factions of the maritime industry were encouraged by NMSC to comment on the progressive drafts. Submissions conforming to prescribed timelines were invited direct to NMSC

A Regulatory Impact Statement (RIS) accompanied each Part of the draft NSCV to draw attention to the likely impact the contents of the relevant Part would have on individual and industry stakeholders.

As each Part or component of the draft NSCV was released, under WAFIC coordination the project was managed on the basis of encouraging a series of State/ Territory workshops comprising experienced fishermen and technical people who could best represent their own State/ Territory's main fisheries/ interests. Costs associated with the conduct of these workshops were borne by the individual State/ Territory.

The State/ Territory workshops were followed-up by a national- level (ASIC) workshop to which two members were invited from each State/ Territory. These representatives presented the concerns and recommendations emanating from the range of issues

discussed previously at State/ Territory level. The travel and accommodation etc. costs associated with the ASIC workshops were funded by the FRDC Project.

The national position on each of the draft Parts of the new NSVC was compiled essentially from the collectivised inputs from the States/ Territory representatives at the ASIC workshop. On occasions an accord could not be reached on some of the more contentious issues. When this occurred, differences in opinion were reported in the outcomes of each workshop activity ultimately forwarded onto NMSC by ASIC.

**Events:** In October 1999 the industry was invited to comment on a proposal to combine Sections II and III of the USL Code. Areas of concern and potential for controversy became immediately apparent. The industry baulked at the idea of not being identified as a separate entity (i.e. Section III) within the Code

Concurrent with the re-shaping of the USL Code, industry was invited to comment on NMSC's draft 'Guidelines for Safety Training'. These guidelines aimed at drawing the maritime industry's attention to minimum on-board safety training requirements for crew on board commercial vessels.

In early 2000 it became apparent NMSC would shift emphasis from attempting to revamp the USL Code in favour of introducing a new, more comprehensive suite of standards. These became known as the National Standard for Commercial Vessels (NSCV). Debate ensued within industry's ranks on the relevance of an up-dated USL Code vis a' vis its replacement by a new set of standards and the difficulties/ need for a wide-scaled re-education process.

In March 2000 WAFIC took the initiative, on behalf of ASIC, to approach FRDC for funding to conduct a series of State/ Territory, leading up to National level workshops, to progressively give voice on industry's concerns on the range of contentious issues needed to be addressed by NMSC in the development of the NSCV and to comment on the draft standards. At the time of submitting the request for funding there was no the clear indication of the scope and duration of the task ahead. WAFIC was subsequently granted half the funds (\$50k) it had applied for (\$100k) to take on the national coordination of the project.

NMSC was conscious of the need to develop an effective communications strategy that would lead to transparency, satisfaction and goodwill between it and industry and the broader maritime sector. During the earlier phase of the project the industry was invited to make comment on how to help improve the NMSC communication process.

NMSC presented an outline schedule of the sequence by which the parts of the NSCV were to be developed and when drafts of Parts /Sections of the NSCV, including Regulatory Impact Statements, were expected to be issued (detail similar to that contained at Appendix One). This information was circulated to industry with an outline description of the process for developing the standards.

In October 2000 a Part D 'final' draft was promulgated for industry members of the NMSC's Reference Group to consider. Not having had the opportunity to comment on any earlier draft, industry objected to this process and demanded the document be made available for review and comment before 'Final Draft' status were accorded.

In early 2001, Parts A, B and C were made available for public comment. ASIC representatives within each jurisdiction were encouraged to workshop the draft documents and record their outcomes for input into the first National (ASIC) level workshop arranged and conducted in Adelaide on 21 and 22 March 01.

The First Milestone Report was submitted to FRDC in June '01. As it was becoming obvious the NMSC estimate to complete the NSCV project was going to take longer than anticipated, new FRDC Project milestones targets were presented and accepted.

NMSC conceded to industry's request to input into the Draft Part D - Crew Competencies. State/Territory ASIC representatives were encouraged to workshop the draft Part D document. The ASIC Part D workshop was conducted in Sydney on 19 July '01.

In September 2002, the Chairman of the ASIC workshops (Mr John Cole, at the time Chairman of WAFIC and WA representative on the ASIC Board) requested FRDC approve an extension of project funding to meet the original request of \$100k and accommodate an extension of the duration of the project to June 2002. Both requests were approved.

In October 2001, ASIC representatives were funded to participate in a series of NMSC workshops in Brisbane that included an early draft on an Engineering Framework for Crewing and Draft E - Operational Practices.

In December 2001 NMSC responded in detail to the ASIC review and proposals on draft Part D. As compared to others, this Part contained the most contentious issues; notably the relevance of Seatime, requirement for revalidation and issuing of Certificates of Competency for mandatory qualifications to Master V/Skipper III and MED I level. These issues were ultimately resolved by NMSC after having taking into consideration the views of the wider Maritime industry - but not necessarily to the satisfaction of all factions within the industry.

In June 2002 NMSC issued details of a forthcoming NSCV Conference in Brisbane in August 2002 to overview progress to date on the NSCV. A workshop activity was planned immediately following the Conference. Agenda items to be introduced at the workshop included drafts: Part C 7 – Safety Equipment, Part E – Operations, Part D – Engineering Crewing, Part D Sea Service and an update on progress toward reshaping the Vessel Operations component of the National Seafood Industry Training Package.

An approach was made to FRDC to extend the life of the Project to December 2002. This request was approved.

Two ASIC representatives from each jurisdiction participated at the above NMSC Conference and Workshop. Outcomes of the workshop activity were circulated to all industry participants. A decision was made at the workshop that States/Territory representatives were to review the abovementioned draft components of the NSCV at jurisdictional level, followed by an ASIC level workshop later in the year.

The final ASIC workshop was held in Adelaide, in October 2002, to address recommendations and comments on drafts Part C 7 – Safety Equipment and Part E – Operations. A separate (workshop type) activity was conducted for Part D – Engineering Crewing

#### **RESULTS/DISCUSSION**

Overall comment on results of workshop activity in response to NMSC's initial National Marine Safety Strategy and draft Parts of the NSCV is as follows:

**Proposal to combine Sections II and III of the Code**. Issues either commented on or upon which industry's position was made included: definition of propulsion power, revalidation requirements for fishers, seatime, licensing, assessment and issue of mandatory certificates, First Aid and medical kit requirements, crewing requirement and qualifications, operational limitations, and categorisation of vessels.

Comment was mainly levelled at the 'shifting goalposts' in respect of crewing and qualifications and certification requirements creating added difficulties to the architects of the National Seafood Industry Training Package who, at the time, were attempting alignment of the new training package to the requirements of the USL Code.

'Guidelines for Safety Training'. Industry made a strong deputation in support of the word 'Guidelines' in opposition to the original word 'Standard' to detract from the potential risk of litigation and to ward off any suggestion that minimum training standards for deckhands should become mandatory.

Other suggestions to refine the content of the document and points of clarification were sought which included: avoidance of duplication of Occupational Health and Safety regulations, deletion of reference to STCW, possible interference by higher marine authorities, refreshing crew on safety information and virtue of introducing Deckhand Training Logbooks.

**Part A - Safety Obligations**: Considerable discussion resulted on the need for a Part A. General consensuses favoured this section remain as informative only, suggesting it could be presented in the form of a brief paragraph and re-appear either as an ASIC or NMSC sponsored guideline booklet drawing together all States /Territory OH&S, Environmental Protection Authority (or equivalent) and other relevant regulations. Alternatively, each State/Territory could produce its own Guidelines. Some workshop representatives however conceded this section is informative and should remain. A resolution was finally formulated as follows. "Section A be removed from the NSCV and appear as a 'Guidelines' document, arranged by ASIC, with input from each jurisdiction.' This proposal was finally rejected by NMSC.

**Part B - General Requirements** The major issues discussed and reported on included:

		r	
0	determinant of measurement of depth of	0	hazards and risk assessment
	a vessel	0	guarding
0	what authority determines 'competency'	0	exemptions v's equivalent
0	vessels and crewing		solutions
0	restricted offshore operations	0	appeals process and Register of
0	vessels with parasailing deck		Applications
	measurement using sight boards ashore		
	or afloat		

The major issues discussed and

## Part C - Design & Construction / Engineering reported on included:

		•		
	0	vessel measurement	0	bilge pumps
	0	reduced signage	0	sole piece specification
	0	outboard motors	0	alarm systems & exits
	0	remote engine shutdown	0	electrical safety
	0	engine & essential monitoring		procedures
	õ	materials	0	isolation of batteries
	0	crewing & vessel size limitations	0	battery & emergency
	0	air extraction engine room shaft		switchboard
	0	diameters	0	emergency &
	0	coupling flange dimensions		simultaneous power
	0	flexible stern glands		supply
	0	haffles	0	LPG installation &
1	0	metallic tanks		repair by industry
	0	values and cocks		tradespersons.
1	0	plastic piping		
	0	plastic piping		
I				

<u>Note</u>: The details of the workshop outcomes relating to Parts A - C inclusive are at Appendix Two.

**Engineer Crewing - Risk Management** The outcomes of this workshop activity drew concern over the factors determining engineer crewing requirements; importance of practical (engineering) fault finding integrated with good seamanship and attentiveness skills; need for hazard identification / trouble shooting and remedial engineering skills; consequences of poor maintenance; relevance of existing MED qualifications; importance of partnership arrangements between RTO's and industry; merits of a 'competency' V's a 'qualification' driven system for crewing; importance of proper, relevant and adequate survey and merits of the 'deemed to satisfy' V's 'prescriptive solution' approach of the NSCV; reluctance toward 'over –regulation'; and electrical 'endorsements' V's overkill 'trade requirements' imposed on MED's.

**Note** Details of the Engineer Crewing - Risk Management workshop are at Appendix Four.

**Part C Section 7 Sub Section 7a: Safety Equipment** The major issues discussed and reported on included:

retrieval – man overboard EPIRB's First Aid equipment and drugs operational area below 35 degrees South anti-exposure suits requirements for rescue boats	0 0 0	maintenance requirements for life raft equipments inflatable design & construction requirements for coastal life jackets requirements for pyrotechnic signals

**<u>Note</u>**: Further details on the workshop outcomes from the above Section is at Appendix Four

**Part D - Crew Competencies** Topics drawing most attention included: revalidation requirements for Skippers Level I and II; common V's separate Master V/Skipper III certificates; Coxswain certificates remaining common to both Fishing and Trading sectors and First Aid Kit contents and certification requirement by a crew member on all commercial vessels.

Factions within industry feel industry has been forced into accepting NMSC's rulings on Part D. A number of issues remain of concern – namely the relevance of Seatime in a competency based training and assessment environment and the importance of having mandatory crew qualifications for fishers separate to the broader maritime industry. Industry in general accepts, with reluctance, NMSC's rulings on those aspects of Part D with which it does not agree but does so on the proviso that no part of the NSCV is 'set in concrete' and that all standards are subject to 'ongoing maintenance and review'.

On-going discussion on Part D has led to a review and matching of Vessel Operation competencies and requirements for Coxswain, Master IV and Marine Engine Driver (MED) I & II qualifying requirements detailed in the National Transport and Storage and National Seafood Industry Training Packages and mapping of these common competencies against the requirements of Part D of the NSCV. Work remains in progress on this issue.

**Note:** Further details on the workshop outcomes regarding Part D are at Appendix Three

**Part E - Operations:** The major issues discussed and reported on included:

<ul> <li>minimum emergency training</li> <li>muster stations</li> <li>cyclone &amp; severe weather plans</li> <li>safety management systems (SMS')</li> </ul>	ch keeping ng of un-trained crew embly stations
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Note: Further details on the workshop outcomes regarding Part E are at Appendix Four

**General Comment** It is not possible to quantify the actual result of industry's influence on the range of discussions, recommendations and editing proposals on the draft Parts of the NSCV.

The only tangible evidence showing what was put to NMSC is contained within Appendices Two – Four of this report.

Industry's real influence on the NMSC process to develop the NMSC however can be evidenced in a close examination of the draft standards compared with the corresponding final published standards – which is beyond the scope of this report. Discussions/ verbal recommendations made to NMSC representatives present at all ASIC and State level workshops on matters affecting, or of importance to industry, absorbed into final draft or completed standards, would not necessarily be obvious to the industry representatives participating in the project. Final Parts E and F and some sections of Parts C and D and the result of industry's involvement or responses (both verbal and in writing) to them, have, as at the time of writing this report, not been published.

#### BENEFITS

The benefits derived from the project are listed as follows:

- The project enabled a collectivised and coordinated industry (ASIC) approach to the draft standards as an alternate to (but supplemented by) the fragmented, inconsistent approach of individual fishermen.
- An ASIC submission to NMSC on NSCV matters is regarded as having 'more clout' than that of the individual.
- NMSC's presence at industry's workshop activity and vice versa, has developed a better understanding, by NMSC, of industry's position/concerns on the major marine safety issues. This will have influenced or been reflected in the progressive drafting of relevant (i.e. to industry) Parts of the NSCV.
- As result of industry's high profile involvement in the project, due consideration of industry's position has been accorded in NMSC's decisions where industry has competed or been at difference with the aspirations of other stakeholders.
- The engagement of a number of industry people and ASIC Board of Directors in the project will have raised the profile of awareness for marine safety and made a contribution toward overcoming the level of indifference.
- During the course of the workshop activities at which NMSC representative(s) were present, regular reminders from industry prompted the need to 'tone down' the language contained in the drafts to encourage compliance rather than have the standards appear as an imperative (against which individuals are more likely to be held to account in a court of law), i.e. 'guidelines' v's 'standards', 'should' v's 'shall', 'recommended that' v's 'are to', etc.

#### FURTHER DEVELOPMENTS

At the time of writing this report, some sections within the NSCV remain in draft form or are incomplete. Those of particular interest to industry include:

- Part F Fast Craft: A draft for public comment is expected early in 2003. This Part mainly affects the growing fleet of fast Rock Lobster vessels.
- Part C Engineering Crewing: The outcomes of the abovementioned workshop are to be measured against the outcomes of further workshops to be conducted in other sectors of the Marine Industry. NMSC is yet to form a position on Engineer crewing.
- Part C Section 7 Sub Section 7a Safety Equipment: NMSC is currently working on the Risk Analysis and feedback from industry regarding contents of First Aid Kits required on board the range of industry vessels. This risk analysis is to be compared with the requirements of other marine vessels and NMSC is to declare a position on the outcome.

 Part D – Crew Competencies: On-going work to map the National Transport & Storage and Seafood Industry Training Package Vessel Operations competencies against the requirements of Part D; assessment of competencies V's traditional examination requirements in relation to the issuing of mandatory licenses for deck and engineer crew and the relevance and administrative aspects of recording and processing Seatime, has yet to be resolved.

As the project has reached its point of termination, AISC, on behalf of industry, will be expected to coordinate the outcomes and manage the above within its own resources.

#### PLANNED OUTCOMES

In the main the project achieved what it set out to achieve (Planned Outcomes) but with the following reservations.

As alluded to earlier in this report, as various Parts of the NSCV were drafted and presented for public comment, NMSC alerted the industry to the promulgation of the new drafts. This information, in turn, was conveyed to the peak industry association/ASIC Board representatives in each jurisdiction. Timeline limitations catering for a process designed to accommodate informed debate on the major issues/ controversies and feedback to NMSC, after it had been dealt with by the ASIC Board, was considered inadequate. Greater leeway could ideally have been given to allow industry (and perhaps other sectors of the Maritime Industry) to develop proper internal processes to enable industry, under ASIC direction or influence, to attempt to resolve jurisdictional differences on issues (especially outcomes emanating from the workshops conducted on Part D) and to better coordinate the gathering, deliberation and processing of feedback information to NMSC.

Furthermore, workshops at jurisdiction level were required to be planned and conducted at State/Territory peak industry association's expense. Considerable cost was involved in gathering together the necessary expertise to debate the issues. The quality of input from State/Territory representatives reflected the effort taken and vigour by which each jurisdiction was able to conduct their workshops. It is felt lack of industry's resources to collectivise the expertise and more vigorously debate the issues at jurisdictional level impacted negatively on planned outcomes

On a more positive note however, the project outputs (see Results/Discussion above) were achieved as result of the process of encouraging jurisdiction level inputs prior to staging the ASIC workshops to achieve the planned outcomes. The alternative of having ASIC conduct workshops to deal with the NSCV draft standards as a follow-on from normal business at scheduled quarterly meetings would not likely have been as successful. It was deemed necessary to deal with NMSC's business separate from other ASIC matters – to be able to utilise industry expertise representing the different fisheries throughout the nation wider than that of ASIC's influence and for the Board to register its concerns as the final arbiter on recommendations and comments put to NMSC. The State/Territory followed by National level (ASIC) workshops, although limited by time constraints, followed a more appropriate process.

In specific terms, Project outputs made the following contributions to Planed Outcomes:

- Early deliberations with NMSC on revising the USL Code and discussions on merit in reproducing a new set of comprehensive marine safety standards able to be more readily amended /up-dated and reproduced in hard copy and electronic formats helped shape NMSC's decision to develop a new standard (NCSV) rather than refurbish the old (USL Code).
- Involvement in deliberations that resulted in the 'Guidelines for Safety Training' publication saw the document produced as 'Guidelines' rather than 'Standards' as was the original intention. These 'Guidelines for Safety Training' form an ideal checklist / reminder for drills and training requirements for deck crew. They serve to develop the principles of best practice for crew and passenger safety rather than a list of imperatives against which punitive action for negligence can be taken against 'offenders' in a court of law the 'carrot v's the stick' approach.
- Outputs on draft Part A resulted in publication despite industry's preferred position that Part A be deleted as it duplicated what was already provided for in jurisdictional OH&S regulations and under Common Law.
- Part C outputs were of a fine-tuning nature, the focus being on engineering procedures, systems and design appropriate to Fishing vessels needing consideration for acceptance within the broader maritime sector e.g. use of plastic piping, acceptability of outboard motor(s) within prescribed areas of operations, emergency electrical repair, etc. The matter of risk analysis affecting contents of Fist Aid kits (namely drugs) and need to institute a more appropriate range of qualifications for engineering crew remains under consideration.
- Outputs on draft Part D resulted in shared (v's separate) certification requirements for crew qualifications up to Master V/Skipper III and MED I level. As mentioned earlier, industry was not able to form a consensus on this issue. Industry's planned outcome of convincing NMSC of doing away with Seatime altogether was, for the present time, unsuccessful. Work is outstanding on arriving at an NMSC agreed set of Vessel Operations competencies acceptable to the Seafood and broader Maritime Industries.
- Operational outputs relating to draft Part E are, at the time of writing this report, being considered by NMSC. The new Part E is expected be made available to the public early in 2003.
- Draft Part F has not been issued for public comment.

#### CONCLUSION

The industry's involvement in the Project has served an essential twofold purpose. Firstly, it provided the opportunity for industry to focus its attention on and contribute toward the creation of the nation's new marine safety standards. Secondly, it has brought to NMSC's attention the aspirations and concerns of fishermen who have traditionally strongly resist the bureaucracy's attempt to impose 'unnecessary' restrictions that impairs their ability to catch fish.

The NSCV has been developed in an environment wherein the coordinating agency (NMSC) has been constrained by limited timelines resulting from their political master's

(Federal) demands to create and institute, without delay, a new regime for national marine safety. It has attempted to do so in a scenario of conflicting wants, need for attention, time to consider and indifference.

Although the Project itself has drawn to an end, the work undertaken is incomplete. It is likely that the NSCV will not be published in completed form until late 2003, by which time the review process will have commenced. It is expected all factions within the broader Maritime Industry will want to re-shape the new standards to reflect their own self-interests.

Outstanding business, items which have not been resolved to the industry's satisfaction and the on-going maintenance of the new standards will be a future role for ASIC.

It is industry's best interest to work toward helping to achieve a safer marine environment for all seafarers and continuing to work with NMSC and other marine agencies to implement, maintain and improve the new safety standards.

John Maddams Project Manager May 2003

#### APPENDICES

NMSC TIMELINES TO DEVELOP THE NSCV
OUTCOMES OF THE WORKSHOP ON PARTS A - C
OUTCOMES OF THE PART D WORKSHOP
OUTCOMES OF THE WORKSHOPS ON PART C7 – SAFETY
EOUIPMENT, PART E – OPERATIONS AND PART D –
ENGINEER CREWING

### **APPENDIX ONE**

NMSC TIMELINES TO DEVELOP THE NSCV

#### **Commercial Standard**

	2000		2001				2002				
Task Name	Qrt 2	Qrt 3	Qrt 4	Qrt 1	Qrt 2	Qrt 3	Qrt 4	Qrt 1	Qrt 2	Qrt 3	Qrt 4
Safety Obligations – Part A											
General Requirements – Part B											
Accommod. Part C Sect 1											
Watertight Integ Part C Sect 2											
Construction Part C Sect 3											
Fire Safety Part C Sect 4											
Engineering Part C Sect 5											
Intact Stability Part C Sect 6b					100						
Damaged Stability Part C Sect 6c											
Safety Equipment Part C Sect 7											
Nav and Comms Equip Part C Sect 7											
Crew Competencies Part D											
Operations Part E											
Fast Craft Part F Sect 1											
Hire & Dive Part F Sect 2											
Unconventional Craft Part F Sect 3											
		1									

TODAY

#### **National Consistency**



#### **Recreational Boating**

	2000			2001				2002			
Task Name	Qrt 2	Qrt 3	Qrt 4	Qrt 1	Qrt 2	Qrt 3	Qrt 4	Qrt 1	Qrt 2	Qrt 3	Qrt 4
Competencies REC 1											
Basic Standards REC 2											
Equipment REC 3											
	то	DAY									
Time lines reflect commencem	ent and comple	tion of di	rafting			KE	Y:	Project pro to date	gress	Project	duration

 Time lines reflect commencement and completion of drafting for NMSC approval

#### **APPENDIX TWO**

### OUTCOMES OF THE WORKSHOP ON PARTS A - C

## (PRECEDED BY COVERING LETTER FROM WAFIC TO ASIC)

27 March 2001

The Chairman ASIC PO Box 533 CURTIN ACT 2605

Dear Nigel

### ASIC WORKSHOP – NMSC's PARTS A – C NATIONAL STANDARD FOR COMMERCIAL VESSELS: ADELAIDE 21 & 22 MARCH 2001

Enclosed find the outcomes of the above workshop intended to serve as the Commercial Fishing Industry's response to the call for public comment to reach NMSC by no later than 30 March 2001.

You will note in the preamble comments, industry representatives attending the workshop are not prepared to accept the current status of Part D without further industry consultation and are keen to have input into it by means of conducting a similar industry workshop. Attempts to input into Part D cannot wait for the next round of intended workshops later this year. At the earliest opportunity it is proposed funds additional to those already approved by FRDC be sought for this purpose.

For your consideration and on-forwarding please.

Yours sincerely

John Cole Workshop Chairman

#### <u>ASIC WORKSHOP</u> <u>NSCV SECTIONS A – C</u> <u>ADELAIDE 21 & 22 MARCH 2001</u>

The above was attended by the following:

Name	<u>Representing</u>
John Cole - Chairman	WAFIC
Colin Manson	WA
Gill Waller	WA
Terry Moran	SETFLA
Stewart Ritchie	TFIC
David Chaffey	TAS
John Wait	NSWSIC
Eric McCarthy	NSWFSIC
Murray West	QSIA
Peter Manning	NTSC
Paul Polotnianka	NTSC
John Sealey	SIV
Bob Pennington	SAFIC
In Attendance:	
Russ Neal	ASIC (day one)
Ross Ord	STA (day one)
David Oliver	NMSC

The Chair introduced the meeting and invited David Oliver to overview NMSC's industry consultation strategy and Parts A & B in particular. Paul McGilvray overviewed Part C on day two.

**NMSC** 

Coordinator

Preamble discussion included the following:

Paul McGilvray

John Maddams

- Concern there will be a substantial shift in the new standards that will confuse the industry.
- View strongly represented by NTSC to remain with an updated version of the USL Code and in the longer term work toward the new standard. This matter was discussed at length and re-visited at the end of the workshop. The NTSC position remained unchanged but the general mood of the meeting conceded to accepting the NSCV.)
- The Commercial Fishing Industry's size and expectation of the value of its inputs in relation to other stakeholders.
- Industry as yet not prepared to sign off on Section D. This section should be work-shopped at the earliest opportunity. The Chair offered to investigate/ make overtures to FRDC for additional funding. Contents of Part D still of concern include:

- Current alignment of offshore operational areas in relation to manning arrangements, size of engines, distance offshore from point of departure V's coastline, etc.
- o Re-validation
- Colour blindness testing was too strict and needs revisiting.
- o Medicals
- $\circ$  Current 1<sup>st</sup> Aid stipulations.
- Influence of STCW.
- Inconsistency in engineer, engine hp/kw ticketing requirements.
- Vessel survey requirements.
- o 24m skipper/engineer stipulations.
- Rationale behind amalgamating sections 2&3 USL Code.
- Seafood Industry Training Package and NMSC's formal acceptance of competencies for mandatory qualifications.
- Minimum age limitations for deckhands.
- o Seatime

Comments in relation to Sections A, B and C of the NSCV presented in the format requested by NMSC appear on the following pages:

## ASIC COMMENTS ON PARTS A - C OF THE NSCV: MARCH 2001

Page	Clause/Table	Paragraph	Line	<b>Recommended Changes and Reason</b>
	Part A Safety Obligations			Preliminary Comments:1. Need for an appeals process2. Worksafe over-riding USL Code standards in relation to OH&S Act/Regs. Concern for status of NSCV.3. Precedents set for Marine Courts of Enquiry
4	Definition: Alter			<u>Concern:</u> Where applied in relation to repairs/replacements? Are surveyors required to assess where work has to be done? Need to qualify major and minor alterations and their affect on design loadings, structural affects on the vessel and vessel classification. Needs to be addressed within the NSCV Guidelines. Further clarification sought.
5&6	Definitions: Employer, Owner, Self Employed Person			<ul> <li>Need to re-define definitions in relation to the OH&amp;S Act</li> <li>Need to add: Wage earner/employee</li> <li>Need to define and accommodate parties within Share</li> <li>fishing Agreements.</li> <li>Master should be included.</li> <li>Owner should read 'a person who has right of title to , and or management of and or control overetc.'</li> </ul>
	Vessel			Needs to be stressed that a commercial vessel is a workplace
10	Duties of owners & employers	2.5.1	2	Typo - first word 'employees ' should read 'employers'

		2.5.4 a)	6	Typo – insert 'ensure' measures toetc.
11	Design	2.5.6	1&2	Replace words (two cases) 'employer' with 'owner'
12	Agent of the employer	2.6.1	3	2.4 should read 2.5
	Masters within their control	2.6.2	3	delete word 'include' insert 'provide for:-'
13	General	1.8.1 b)	1	Replace words 'place at risk' with 'endanger'
	Post Script on Section A			<u>Comment</u> . Considerable discussion on the need for Part A. General consensuses favoured this section is informative only. It should be in the form of a brief paragraph, i.e. 2.8 and re-appear either as an ASIC or NMSC sponsored guideline booklet drawing together all States /Terr. OH&S, EPA, and other relevant regulations. Alternatively, each State/Terr should produce its own guidelines. Some States representatives however conceded this section is informative and should remain. A resolution was finally formulated as follows. "Section A be removed from the NSCV and appear as a 'Guidelines' document, arranged by ASIC, with input from each jurisdiction."

Page	Clause/Table	Paragraph	Line	Recommended Changes and Reason
	Part B General Requirements			
6	Part A	Last	1	It is important to noteadd 'in relation to the N-S-C-V-', compliance withetc.
				Discussion: An alternative view to removing Part A. If, later, Part A absorbed all relevant regulations and consolidated them into the NSCV, it could become the recognised industry standard that supersedes OH&S and other regulations
12	Scope	(ii)		Q.E.D fishing vessels are non IMO convention vessels
13				<u>General Comment</u> : 'Up-gradings' may have an impact on Part C - especially propeller shaft. Increased engine HP can have an effect on boat structure/design
14	Notes: (2)		2	<u>Clarification sought</u> . Does this include minor alterations? Does this note only apply to the extent of alterations that have been done?
15	1.7 Definitions: Accommodation space Alter		-	Not adequate - re-define Expand the definition, i.e. upgrade of engine by 20 hp – how would this affect the alteration? and hp V's alterations affecting vessel displacement? More examples required. <u>Comment</u> These definitions should appear in the Guidelines and Instructions to Surveyors
17	Competent person Crew			<u>Comment:</u> who determines? Change word 'navigation', insert 'movement'- should be

				assisting rather than being responsible for.
18	Figure 3 – Measurement of the depth of a vessel	a) Vessel having discontinuous sheer		<u>Add note to D:</u> $D = design loadings, see p 17 under Depth.Bar and Channel Keels should be added i.e. box section.$
19	Hazard	1	1	First word should read 'The' not 'he'
21	Non-passenger vessel			<u>Comment:</u> definition needs review i.e. should be referred to as a 'Class Two Passenger Vessel' throughout the document. List under "C" on p.16. Also is there a need for a definition of 'able bodied person'?
22	Risk Special personnel-	1 7	Footnote 2	Re-word or remove the footnote Re-word line 'Are all persons who comply with the following':-
	Ch 2	2.1		<ul> <li><u>General Comment:</u> <ol> <li>Should be more general than specific – note in particular details at P53. These details could be detrimental and serve as an opportunity for agencies i.e. Worksafe, Unions, etc. to place their interests before those of industry.</li> <li>Why have part A? same things appear duplicated in Part B but Part B is obligatory. Need to review the structure of the standards. Does this section refer to required outcomes?</li> <li>Concern that surveyors from different States/Terr. will interpret this section differently</li> </ol></li></ul>
25	Objective Required Outcomes –	2.1 2.2 – 2.4 Level of Safety Basis of Solutions		Typo - should read Objective Confusing ; what documentation is required? - should refer to 2.6.2 - should refer to 2.6.4 & 2.7.4

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27	Notes	2	3	Propose delete the wording 'Deemed-to-Satisfy'. The word 'solutions' cover all types and is sufficient
28	Assessment methods	2.6.3 e)		Should read ' Expert judgment by a competent person withetc.'
31	Shelter and comfort of passengers	3.3	3	Delete words after 'discomfort'
32	Definitions applicable to vessels and crewing	3.5.2 Restricted offshore operations	General a)	Query Why does the 200 nm and 30 nm limitations apply to the commercial Fishing Industry? They are unnecessarily restrictive. Makes the industry vulnerable to litigation and insurance claims. Amend to read ' 30 nautical miles from shore, land or within such lesser limits etc.'
35	Limitations	3.6.7	2	Propose insert 2D after 2C
43	Diagram f)			Typo word pulpit – one 'l'
50	Diagram g) Boat with parasailing deck			Vertical line immediately left of DLWL should be consistent with the perpendicular line above it
51	Diagram a) Measurement using sight boards ashore or afloat			Vertical line immediately left of DLWL should be shifted to the right to align with the tip of the bow of the vessel
52	Diagram missing and Headings			Under the diagram b) Approximate method 2, a diagram should be inserted illustrating a Bulbous Bow. Under this should be <b>ANNEX B EQUIVALENT OR ALTERNATIVE</b> <b>SOLUTIONS FOR THE DESIGN, CONSTRUCTION,</b> <b>ALTERATION AND OPERATION OF VESSELS.</b> and under this the words:

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				PART 1 GUIDELINES FOR HAZARD IDENTIFICATION, RISK ASSESSMENT AND CONTROL OF RISK
53 - 54	Typical factors pertaining to hazards on vessels and Method of risk assessment	B3.2 B4.2	B4	These examples should be contained in the NSCV         Guidelines         Typo Word 'ASSESSMENT' and add the words 'IN THE         DESIGN, MODIFICATION AND CONSTRUCTION OF         VESSELS'
56	Guarding	After B5.8		Should read B5. 8.1 Arrangement and Additional Requirements should be numbered B5.8.2
61	ANNEX C			To read PART 2 <u>Note:</u> Sub para headings C1, C2 etc should delete the 'C'
62	Catastrophic			Delete the word 'in' before word 'fatalities'
63	Acceptable	1	1	Typo word 'Accceptable'
65	Annex D should read ANNEX C			D1, D2 etc. should read C1, C2 etc.
16	Part B R.I.S		3	Question the cost/benefit sample given. Where are the details to substantiate this example?
			4	'There could be an adverse affectetc This sentence is poorly worded and should be deleted.

17	Commercial vessels	4.2.1	Second dot point	Clarification sought 'bare boat charter basis or vessels chartered for film work; - does this refer to a class 4 vessel?
21	Fishing vessels	2		'The National Occupational Health and Safety Commissionetc'. Where did the fatalities occur? Why these three years (1999–92)? Why not present figures reflecting accident statistics over a ten year period?
23	Proposal	4.3.2 2. third para including (a) – (d)		Queries:Is reference in this sentence to ' local' equivalentsolutions? An explanation should be given.What are the implications/limitations on sale/transfer of avessel to another State/Terr.?Granting of exemptions/equivalent solutions are differentthings. This sentence needs to be re-visited and re-qualified. Jurisdictions will not make decisions on theseissues without consulting other jurisdictions.
26	Consultation	2	6	'The apparent savingsetc.' The validity of this statement is in question.

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Post Script RIS Part B	General Comment:
	<ol> <li>There should be an appeals process, a Register published and there should be a Register of Applications. It is further proposed there should be an annual meeting of surveyors or an NMSC appointed working group to review applications that have been shelved because of an impasse.</li> <li>Equivalent solutions: no reference to time taken but time factor is of high importance. Need to clarify the process to arrive at an equivalent solution. It is not known how the Marine Authorities proceed with their line of business.</li> <li>Vessel modifications: there should be a list of available consultants, especially for remote areas. Marine authorities should be in a position to advise any alternative solutions -on the basis of the 'user pays' principle.</li> </ol>

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<b></b>	Part C Design & Construction			General Comment:
				There is nothing in the NSCV that addresses the Sole
				Piece
-	Subsection 5A Engineering			,
7	Vessels of measured length less than 35 m	1.2.2	-	Measured length is understood to be 96 % of LOA – Clarification sought
9	Access	1.8	1	Word 'shall' replace with 'should'
10	Identification of machinery etc.	1.9		<u>Comment:</u> Who decides on reduced signage?. Recommend cut off point be vessel surveyed length of 20 meters. Colour codes should be specified ( i.e. people don't always access the AS)
13	Single outboard engines	2.14.4.2		Propose re-word or delete footnote
14	Single outboard engines	Boxed drafting note		<ul> <li>Word 'shall' be replaced with 'should.</li> <li>Considerations discussed: <ul> <li>Insufficient info or States/Terr. data to formulate a consensus position</li> <li>Diesel outboards considered to be as reliable as inboards</li> <li>Need for two motors considered to be a hang-up from old days of unreliable single outboards</li> <li>Ultimate decision should be given in consideration of class of vessel(s) and their restrictions in relation to operational areas</li> <li>Commercial vessels should have no more restrictions than those of recreational boat owner/operators</li> <li>Some discretion should be allowed for individuals to decided the need for a second motor</li> </ul> </li> </ul>

				factor, outboard motors should now be treated no differently to inboard motors
				their respective position.
	Remote shutdown of main propulsion engines	2.14.6		No evidence requiring change to the existing USL Code provisions therefore propose delete this para.
15	Engine Monitoring	2.16		Typo word 'monitoring.'
	Essential monitoring	2.16.2		Beginning of sentence should read 'All engines essential for the safe manoeuvring of the vessel shall be
		(2.16.2. cont.)		d) suggest refer to voltmeter
16	Engine alarms	2.16.3	1	Propose delete word ' operation' insert 'manoeuvring'
17	Material	2.19.4	1	First para after word 'copper' insert 'fibreglass' Second para. after word 'hose' insert 'or fibreglass'
	Silencer	Footnote		Propose delete footnote
21	Alternative arrangements for watertight integrity of exhaust pipe discharges	2.19.9.6	1	24 m to read 25 m. Further note, crewing restrictions should co- relate with vessel size limitations
22&23	Ventilation of machinery spaces	Top p22		Comments:Ducting invades engine room spaceAir should be extracted not blown in thus re-circulatingtoxic gasses and CO2Note:word 'shall' in two instances in this para. to be

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				replaced with the word 'should'
27	Reference shaft diameter	3.10.2	Note 2	Values of coefficient k for direct drive etc – should not have the USL Code as a reference (as it will not exist). Table 14.1a from the USL Code should be quoted here.
31	Propeller shaft tapers	3.10.11 second		Suggest a diagram to demonstrate contact area between mating surfaces
35	Coupling flange dimensions	3.12.3.1 second Notes 1-4		Sentence ending 'coupling bolt diameter' add ' unless the mating flange thickness is increased to compensate'. <u>Discussion:</u> Incompatibility between supplier's product and end user (fishing industry) requirements - at considerable cost to industry. Four note points all expensive options with no ready solution. Need for further longer term investigation to resolve the issue
39	Stern gland or seal	3.14.2	2 all	<ul> <li>Word 'shall' be replaced with 'should'.</li> <li>'Readily accessible' not always feasible on a trawler. Agree in principle. Noted applies to new vessels</li> <li>Should be re-worded to read ' Mechanical seals may be</li> </ul>
(cont)	Flexible stern glands	3.14.4	1&2	fitted' Propose delete words in sentence after 'may be fitted'. (continues) 'The gland shall be connectedetc.'
44	Fixed Nozzles	3.16	1&2	Propose delete words in first sentence after 'tested.'. continue 'A means for drainingetc.'
49	Baffles	4.6.2.6	All	Suggestions: Addbaffles should be a % age of the cross sectional area

				(and needs to be specified) Flexibility should be given with the 1 m specification ( i.e. minimum of 1.2 m) Word 'shall' be replaced with 'should' Needs further investigation
52	Metallic tanks manufacture .etc.	4.6.3.9		Provision in the standard should be made for cylindrical tanks with domed ends
57	Fuel piping	4.8.4	2	Word 'at'( before 'seamless') be deleted
63	Means For Monitoring Fluid Levels	5.3	All	This para should be deleted and para's 5.4 – 5.6 re- numbered accordingly
64	Valves and cocks	5.7.4	1	After the word 'steel' insert plastic (providing it meets the standard), or equivalentetc. ' <u>In addition</u> , reference to Ball and Butterfly valves should be included in this section
66	Rigid plastic piping (add) 'and valves'	5.7.6.3		<u>Comment:</u> Should be able to be used in any vessel Note: Fire test should be 20 mins. not 1 hour
67	Piping for filling fish cargo tanks	5.7.7.1 5.7.7.2	1	Propose delete c. (d) now becomes (c)– Substitute word 'at' for 'for'. Delete sentence ' Where the connection(etc)non- return valves.'
		5.7.7.3	2	Sub para (d) now reads (c)
71	Bilge pumping arrangements	b)	2	delete word 'simultaneous'. Additional clarification sought for 2 engine rooms or 2 pumps in each engine room
	Rigid plastic bilge piping – application	5.8.4.3		Delete this para – a carry-over from the USL Code. Re- numbering of para's 5.8.4.3 onwards

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73	Collision bulkhead piping	5.8.8	1 & 2	Para to read 'fitted with a suitable valve at the bulkhead. The controletc.'
75	CH 6 Steering Systems			<u>General Comment</u> : There is no allowance for vessels (e.g. trawlers) with the 'Whale Tail' - especially as it affects the rudder shaft size
76	Rudder position indicator	6.7.7	1`	15 m should read 20 m
78	Steering component material	Diagram p 78		Sole piece specifications need to be detailed (as per the Lloyds Code)
80		Figure 16		Question the need for of this 'antique' diagram
88	Tapered couplings	6.8.8.3		First para. is irrelevant and should be deleted
100	Alarm systems and exits	7.10.5.c)		Some dispensation should be given if other provisions are made e.g. button freezer alarms, notices, etc. Noted this provision is for new vessels

Part C Electrical	General Comment: The NSCV needs to address (i.e. in Part D) the matter of:
	<ol> <li>who is qualified/certified to be able to conduct 'emergency' repairs</li> <li>under what circumstances or what constitutes 'emergency repairs'</li> <li>tagging procedures</li> <li>electrical safety procedures</li> </ol>

15	Insulation resistance	3.13.5.6		<u>Comment:</u> Concern raised in regard to testing insulation
	Isolation of batteries	3.14.3		<u>Query:</u> Is this para necessary given the imposition it will have on industry? Requires more investigation.
29	Flexible cord or cable	4.24.14	Last	Why the restriction of 12m?
32	Design and manufacture	4.25.3.1	1	<u>Query:</u> Air breaker type components in particular - are they not of a type currently in use by the commercial Fishing Industry?
53	Accumulator batteries	5.12.5		<u>Comment:</u> Not known why the battery and emergency switchboard should be separated?
55 & 556	Table 5.1. Capacity of emergency and simultaneous power supply	Table		Needs to be reviewed for vessels of less than 25m in length

Part 5C and D LPG Systems	General Comment
for Appliances and Engines	1. LPG systems are relatively new to the industry and few people are familiar enough to offer detailed comments on these parts of the NSCV
	2. Certificates required for testing life rafts, fire equipments, etc. are of considerable cost to the industry. Industry tradespersons should be able to qualify to undertake LPG installations and repairs

#### APPENDIX THREE OUTCOMES OF THE PART D WORKSHOP (PRECEDED BY A MEMO FROM WAFIC TO ASIC) DIRECTORS)

#### MEMORANDUM:

SUBJECT:	AMENDMENTS TO CIRCULATED DRAFT PART D WORKSHOP OUTCOMES DOCUMENT		
DATE:	4 June 2003		
<u>TO:</u>	ASIC Directors attending Part D Workshop Sydney 19 July '01		
FROM:	John Cole		

Attached are the changes made to the above document circulated to all workshop participants on 26 July and contained in the final document forwarded to ASIC on 2 August '01.

I take this opportunity to thank you for your participation in the Workshop and for your candid expression on the many controversial matters that included certification and the issuing of licenses, revalidation, seatime in relation to applying the principles of Competency Based Training, and so on. It is not always possible to arrive at a solution to satisfy all parties and I trust our recommendations to ASIC and their subsequent presentation to NMSC will be recognised and accepted as being in the best interest of the broader Commercial Fishing Industry.

It is expected the results of NMSC's deliberations on the outcomes of our workshop will be made known to ASIC and passed on to us in due course.

NMSC has been very supportive of our industry's recent application to FRDC seeking on-going funding to continue our workshop activities for the outstanding sections of Part C and Parts E & F. We will keep you informed of any progress.

For those who have not already done so, please forward to WAFIC, attention John Maddams, any outstanding claims (with attached receipts where applicable), for workshop travel expenses, by no later than the end of this month. We may have to consolidate and acquit our current project obligations to FRDC and have no wish to deny any outstanding late (i.e. post 31 August '01) claims.

Kind regards

John Cole Chairman Working Party

(Encl)

## AMENDMENTS TO CIRCULATED DRAFT – please note reworded sections under Recommended Changes and Reasons column

#### <u>PART D - NSCV</u> OUTCOMES OF THE ASIC WORKSHOP <u>19 JULY '01</u>

Page	Clause/Table	Paragraph	Line	Recommended Changes and Reason
Page 13	Clause/Table Table 3 Certificates of Competency issued under this standard	Paragraph	Line	<ul> <li>Recommended Changes and Reason</li> <li>This area attracted considerable debate. An outcome was sought to favour the position of all States/Terr. representatives without affecting the integrity of Part D. The following recommendation is made: <ul> <li>Provision be made for the granting of Trading and Fishing Certificates from General Purpose Hand to Master Class V/ Skipper Grade III levels inclusive.</li> <li>On a user-choice basis, trainees can qualify for licensing purposes by successfully completing the Certificates of Competency requirements detailed in Annex B to Part D, qualifying in one stream or the other, or both.</li> <li>Trainees wishing to qualify for a dual license (i.e. Trading and Fishing) are to complete and qualify in the additional 'crossover' units.</li> <li>A mapping exercise be undertaken to identify the crossover units for all certificates to Master V / Skipper III level.</li> <li>(it was further suggested, consideration be given to not aligning the qualification of Coxswain and MED's 1-3 with any one sector [e.g. Trading or Fishing]. Exigencies of the marketplace will link experience and employment opportunities within each sector and for crossover purposes from one to the other).</li> </ul> </li> </ul>
				<u>1NOLES</u> .

					<ol> <li>Table 3 Note 2 can remain as is.</li> <li>Table 3 add Note 4. In the event ANTA is able to resolve the current distinction between competencies to Master Class V / Skipper Grade III levels in the Trading and Fishing Industry sectors, such that one set of competencies can be made acceptable to both, the sectors should be given the opportunity to review the situation at a later date to consider issuing one certificate (i.e. recognised by both sectors) for qualifications to this level.</li> <li>Representation from Queensland wishes it to be noted Quote "We have from day one maintained that the Trading and Fishing Certificates of Competency remain separate regardless of their content.</li> <li>Should there ever be a common certificate, our concern is that then whatever alteration or addition the trading sector considers necessary to any qualification and/or manning requirement for their industry it will automatically be imposed on the fishing sector" unquote.</li> <li>This recommendation will require a modification of Tables A1 &amp; A3 as a Skipper I or II will no longer be accentable in lieu of a Master III or IV in a non</li> </ol>
					acceptable in lieu of a Master III or IV in a non command role on board a trading vessel.
14	1.8.3	Eligibility for issue of a certificate of competency	first	first	Before 'To be eligible' insert ' Until an effective CBT arrangement is in place, to be eligibleetc.'
	b)	• •	first	first	Delete wording ' oral examination' insert in its place 'appropriate assessment, i.e. an assessment that does not rely ostensibly on an oral examination to determine competency' (where required)etc.

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14	1.8.4	Currency of		As revalidation is not relevant these para's, should be
••	Certificate	es of Competency		deleted

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#### **APPENDIX FOUR**

#### OUTCOMES OF WORKSHOPS ON PART C7 – SAFETY EQUIPMENT, PART E – OPERATIONS AND PART D – ENGINEER CREWING (PRECEDED BY COVERING LETTER FROM WAFIC TO ASIC)

16 October 2002

Mr Russ Neal CEO ASIC PO Box 533 CURTIN ACT 2605

Dear Russ

### RE: ADELAIDE NSCV WORKSHOP 8 & 9 OCTOBER'02

Enclosed find the outcomes/responses to the ASIC National Standard for Commercial Vessels workshop that reviewed Part C7 – Safety Equipment, Part E – Operations and Part D – Engineer Crewing held in Adelaide on 8 & 9 October '02.

The responses to C7 and Part E are offered in the Public Response format required by NMSC.

Feedback on the Engineer Crewing Risk Assessment Workshop on 9 October is also attached.

This workshop activity brings to a close the WAFIC originated FRDC sponsored project to input into the draft NSCV.

Yours sincerely

John Cole Workshop Chairman

## DRAFT NSCV PART C SECTION 7 SUB SECTION 7A: SAFETY EQUIPMENT

Page	Clause/Table	Paragraph	Line	<b>Recommended Change/Comment</b>
- "6"				Opening Comment – table of Class of Vessels should appear at the beginning of C7.7A for ease of reference
22	Ch4, 4.5	Retrieval Persons Overboard		Lengthy discussion on need for ladder or net arrangement to retrieve man overboard – should be addressed in individual vessel's Safety Management System (SMS)
22	4.6	On-board Communication s & Alarm System		Comment –EPIRB expected to meet 'deemed to satisfy' solution
23	4.9	First Aid		<ul> <li>Lengthy debate.</li> <li>Concerns raised over security of First Aid kits containing restricted drugs (esp. Morphine). Probability high that such kits will be broken into/stolen, posing a major security and health risk for the industry.</li> <li>Skippers reluctant to have any form of addictive drugs on board. Concern about OH&amp;S legislation requiring /implying these drugs must be taken on board or skipper (alias employer) be found to be in breach of the regs's for not being able to adequately administer assistance in the event of a severe accident. Catch 22.</li> <li>ASIC to respond to Mr P. McGillivary's Risk Assessment profile for the Fishing Industry forwarded to ASIC 14 Oct '02.</li> </ul>
23	Drafting Note			<ul> <li>Discussion :         <ul> <li>Vessel operations should apply to lower than 35 degrees South Latitude – suggest 40 degrees (or lower than Hobart (41 degrees). QED, change required to Marine Orders.</li> <li>Anti-exposure suits not relevant to Seafood Industry – Survival suits for rescue boats another issue</li> </ul> </li> </ul>

				<ul> <li>Contrary to the above, rescue boats are relevant to Fishing Industry's operations therefore conceded Anti - exposure suits are necessary.</li> <li>Summary: relevant to Class 3B vessels only operating in latitudes below 41 degrees</li> </ul>
31	Table 4			3C requirements : Acceptable for a rescue boat requirement on board vessels 25 >
32	Table 4 Cont	last		Battery operated torch for <u>each</u> crew member an overkill. Propose obligatory for Skipper and Engineer, thereafter optional
35	Ch 5	5.3 - 5.5 Required Outcomes and (cont.) Drafting Note to 5.8		<ul> <li>Concern raised it being in the manufacturer's interest to impose unrealistic/ short servicing requirements on the industry, eg, life rafts, flares use by date, etc. NMSC should make every endeavour to enforce a proper balance between ensuring safety on one hand and avoiding manufacturer's "ripping off" the industry with the other. (Marine Orders amended accordingly)</li> <li>Survey requirements should accord with (responsible) manufacturer's requirements</li> </ul>
43	Annex D	D2 Inflatables - Design & Construction	D21 Genera 1	<ul> <li>Need for a water pocket of adequate size to improve the stability of a life raft – see also Annex F</li> <li>Insulated bottoms should be incorporated in life raft design – existing equipments be condemned post 2009/2010 – in line with EPIRB requirements (and in conformity with manufacturer's ability to supply)</li> </ul>
59	Annex F	Requirements for Buoyant Appliances	F2.5 Grab Line	Suggest Para to read The buoyant appliance shall incorporate a rot proof buoyant grab line in the form of a series of individual loopsetc.
70	Annex J	Requirements for Coastal Life Jackets		<ul> <li>Need to have <u>wearable</u> life jacket – not too bulky.</li> <li>Proposed ASIC write to Australian</li> </ul>

			<ul> <li>Standards to encourage the manufacture of an appropriate ( to fishermen) &amp; acceptable (to A.S.) life jacket for fishermen to be worn (not stored) that provides for floating in a vertical position and provision for a grab to haul a person on aboard.</li> <li>A best compromise solution is better than a no-solution</li> </ul>
77	Annex K	Requirements for Pyrotechnic Distress Signals	<ul> <li>Manufacturer's suspected of imposing inappropriate (e.g. too short) use by date limitations on distress flares. (See comment against page 35 above)</li> <li>Fishermen have fired of flares in instances of up to 9 – 10 years after manufacture and the same number of 'misfires' or 'duds' occur as if a new batch were randomly selected and fired.</li> <li>It is recommended the 'usable shelf life' of flares be extended to a minimum of 5 years.</li> </ul>
80	Annex L	Requirements for Medical Supplies	As for comment p 23, 4.9 First Aid

# DRAFT PART E – OPERATIONAL PRACTICES AND SAFE MANAGEMENT OF VESSELS

**Note**: The above draft document used by most members of the workshop was issued in Brisbane at the NMSC Conference in August 02. This draft did not contain the comments by Mr Gil Waller (and others) who separately subscribed to the draft as representatives of their respective industries on the NMSC Part E Review Panel.. It is appreciated the comments below duplicate many of the proposed amendments/ comments already acknowledged by NMSC but to inform the Seafood Industry representatives who participated at the Adelaide workshop on 8 & 9 October '02, they are offered again here. As page numbers differ between drafts, they have been purposefully ignored.

Page	Clause/Table	Paragraph	Line	<b>Recommended Change/Comment</b>
	1.5.6.2	Deemed to satisfy – log or record book second last	1	Suggest wording "The master of a vessel shall, where appropriate or relevant, ensure the followingetc. To be interpreted as being made available 'within a reasonable period of time' for the inspection etc
	1.5.6.3	Deemed to satisfy – crew list		The crew list shall contain Propose delete iv, vi, viii & ix as not deemed necessary.
	1.5.6.4	Deemed to satisfy – passenger manifest	i) last word last para	Delete 'and' insert 'or' Suggest re-word "An owner or master shall produce to the authority (add)'within a reasonable period of time' a copy of the etc".
	1.5.7.2.2	Operation of steering gear		Propose keep to the original wording without additions
	1.5.7.2.3	Steering gear testing		Propose para. read "The master shall satisfy him/herself that the steering and ancillary steering is working correctly before getting under way (full stop).
	1.5.78.2	Deemed to satisfy	third	Propose delete words "identified and" in <u>both</u> sentences of this para.
	1.5.9.1	Required outcome		Propose insert words underlined " <u>Major or</u> <u>extraordinary</u> damage to a vessel, its machinery, equipment or injury <u>requiring</u> <u>treatment</u> to personneletc

1507	Deemed to		1 structural damage (insert) 'affecting ships
1.3.9.2	satisfy		surveyor manning of a vessel. Minor damage to be recorded in the ships log' and /or
			2. injury (insert) 'requiring hospitalisation or medical treatment' to persons on boardetc
2.6	Crewing of the vessel		No need to add after $v - keep$ the list simple
2.6.2.	Emergency procedures		Suggest procedures be on display within laminated sheets
	After Note 2		para reads "An authorised officer or surveyor may with reasonable cause require a demonstration .etc. An overkill suggest delete this para
2.6.3	Minimum emergency training	first	Propose insert at beginning of this sentence "Relevant to the risk and nature of the voyage the master is to provide for the" minimum training for all personsetc
2.6.5	Frequency of emergency training /drills	third	Propose delete words (after standard of) "competence of all crew"
2.7.1	Allocation of muster stations		Propose insert words at the beginning of the para. "'For voyages of longer than one hours' duration or as appropriate to the voyage to be undertaken" emergency assembly stationsetc
2.8.1	Emergency assembly stations		(same as 2.7.1 above)
2.12.2	Implementation	ii	Propose word 'practiced in ' be changed to 'familiar with'
2.14.1	Cyclone and severe weather plan		No need to be over prescriptive – suggest simplify and re-word this section
3.1	Risks(etc) to be managed		Third sub para (all need re-numbering) after words 'environment and assess' add "and minimise the risksetc. (delete word control
 3.2	SMS		Propose delete as unnecessary last sentence'A SMA is not restricted to

			marine safetyetc.'
 ANNEX A	A1 Definitions		Insert words in heading 'Serious Major' before 'Hazardous occurrences' Non-conformancesetc change word 'agreed' for 'appropriate'
	A1.2 Objectives		(delete GDW's earlier comment 'objectives of the SMS should be to ensure'
 	A2 & A2.1		(delete GDW's earlier comments)
	A2.9	Last sentenc e	Word 'shall' be changed to 'should'
	A2.11 Certification of	Third line	After word compliance insert 'or notation'. shall be issued. etc.
	21/12	Fourth para	Should read 'After a suitable warning, a document of compliance may be suspended or temporarily withdrawn by the Authority or party who issued it'. $-$ no need for i) $-$ iii)
		Fifth para	Should read 'The suspension of compliance shall be immediately advised etc'
ANNEX B	B1 Sample Activities		Can get too complicated - keep the sample simple
	B5.1 Outcome		Sentence should read ' A vessel should not proceed to sea unless in the opinion of the master it is safe to do so'
	B5.2 Implementation	iv	Propose word 'closed' in all three cases be 'changed to 'secured'
		Second	Master should have some discretion here, sometimes inappropriate to check <u>all</u> items of equipment – should depend on the nature of the voyage/operation of the vessel. Propose insert words at beginning of sentence 'As appropriate to the operation of the vessel, before departure, all equipment is operational (question need for 'is tested and') including'etc
	B7 Watch keeping		Accept wording of Rule 5 but not possible/appropriate ( i.e. when within a safe anchorage) to keep a continuous watch. Propose insert after word 'anchor' 'unless in

			the opinion of the master the vessel is at a safe anchorage'.
	B10.2 Implementation	Second line	Propose change words 'practiced in' to 'capable of'
	B15.2 Implementation	Fourth para B)	Propose change word 'skilled' to 'instructed'
	B17.17.2 Implementation	iv	Beginning of sentence insert 'As appropriate to the operation of the vessel soundings etc' Further propose this clause be inserted in most/all of the "implementation headings", e.g. B 19.2 (etc)
	B19.2	After Note	Para 'The engineer should record all liquid levelsetc ' An overkill should insert words 'As appropriate to the operation of the vessel'
	B20.2		(Withdraw GDW's earlier comment)
	B22.2 Implementation	Third para	Suggest delete third para ' Guidance material on the capabilitiesetc. '
	B26.2 Implementation	Second para	Check latest version of MARPOL 73/78 believed to be '84
		Third para.	(Withdraw GDW's earlier comment)
	B30.2	Last para	Sometimes circumstances require taking on un-trained crew. Add to last part of sentence after 'area of operation' ' or be responsible to train them to those standards at the earliest opportunity'.
ANNEX C	Table NSCV PART E Ch.2		Assembly Stations. Comment. Should make mention of correct procedure for passenger movement and assembly. Instability if all passengers move to one side of the vessel

#### ENGINEER CREWING RISK MANAGEMENT WORKSHOP

**Post-Workshop Comments:** - (not in any order of priority of importance but it is requested NMSC take them into account before finally determining the outcome of crewing requirements for all commercial vessels)

- The relevance and what should be the determining factor of the four categories of engines (small engines/outboards, main (simple) engines, main engines with auxiliary, multi engine/complex) when determining engineer crewing requirements for the Seafood ( and perhaps the broader range of Maritime) Industry
- Paramount importance of practical (engineering) fault finding and emphasis on preventative maintenance skills integrated with good seamanship and attentiveness skills
- Need for hazard identification / trouble shooting and remedial engineering skills
- Poor maintenance the dominant evil
- Question the relevance of existing MED qualifications and scale of crewing requirements when considering:
  - engine warranty
  - same engine considerable ranges in HP (i.e. HP rating irrelevant)
  - relevance of length of vessel & vessel classification
  - assistance available at sea /reliability of modern means of communication
  - sophistication (computer assisted) of motors & inability to carry out major repairs at sea
  - relevance of area of operation
  - (and in relation to the outcomes of this workshop)
- Importance of partnership arrangements between RTO's and industry regarding 'on board' activities
- Merits of a 'competency' V's a 'qualification' driven system for crewing
- Importance of proper, relevant and adequate survey
- o Merits of the 'deemed to satisfy' V's 'prescriptive solution' approach of the NSCV
- Industry's reluctance to be 'over –regulated' where it is in the industry's best interest to ensure its <u>own</u> safe operational practices at sea
- (Note: Additional concern raised at the WAFIC workshop relating to Electrical 'endorsements' V's overkill 'trade requirements' imposed on MED's)