

Application for a Restricted Use Flag for Foreign Flagged Ship

Introduction

Maritime Safety Queensland has an identified and legislated role in marine safety and marine environmental protection in Queensland coastal waters. In accordance with best practice and conforming, where workable, with the recommendations and guidelines of the International Maritime Organisation (IMO) and International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA). Maritime Safety Queensland will deliver a vessel traffic management (VTM) system to minimise the risk of marine incidents and achieve the international objectives of *safer ships, cleaner seas*.

Occasionally, foreign flagged ships may wish or need to operate on intrastate commercial voyages in Queensland waters. The capacity for this to take place exists through the issue of a Restricted Use Flag (RUF) under the *Transport Operations (Marine Safety) Act 1994*. This guideline has been developed in support of the legislation and to outline the process when applying for a RUF.

Definitions, terms, abbreviations and acronyms	Meaning
AQIS	Australian Quarantine And Inspection Service
Foreign Flagged Ship	For the purposes of this policy, a foreign flagged ship is one that is registered in a country other than Australia; and is operating or is intending to operate commercially on an intrastate voyage within Queensland waters, excluding foreign flagged super yachts.
ISM Code	International Management Code for the Safe Operation of Ships and for Pollution Prevention (International Safety Management Code)
Marine Surveyor	A suitably qualified, impartial observer of a ship, yacht or cargo, who assists interested parties in determining the condition and/or the value of ships, yachts and cargo.
Restricted Use Flag (RUF)	A form of temporary registration, issued through the consent of the General Manager, Maritime Safety Queensland, which bestows restricted operating rights upon ships that would not otherwise be permitted to operate in Queensland waters.
Super yacht	A super yacht is a sailing ship or motor vessel that is used for sport or pleasure, is over 24 metres in load line length and does not carry cargo.
Valid Port State Control	A ship condition report issued by the marine safety authority of Australia or New Zealand within 6 months of the expected date of commencement of the RUF.
Valid Ship Safety Assessment Report	A ship condition report provided by a marine surveyor who has the skills, experience and qualifications that are acceptable to Maritime Safety Queensland's Regional Harbour Masters.
VTM	Vessel traffic management includes, but is not necessarily limited to, Vessel Traffic Services and systems, physical marine aids to navigation, marine notices and bulletins, hard copy and electronic navigational charts, relevant nautical publications and operational documentation associated with the delivery of the above services and other matters pertaining to the safe movement of ships in Queensland waters

Purpose of this guideline

This guideline supports the *Transport Operations (Marine Safety) Act 1994* and Maritime Safety Queensland's policy for VTM by regulating the maritime industry to ensure marine safety and enabling the effectiveness and efficiency of the Queensland maritime industry to be further developed.

It provides guidance to:

- applicants seeking a RUF for a foreign flagged ship to operate on an intrastate commercial voyage in Queensland waters; and
- independent marine surveyors engaged to prepare Ship Safety Assessment Reports for RUF applications.

Note: This guideline does not apply to foreign flagged super yachts. The ship will need to comply with the National Maritime Safety Committee Policy on super yachts and meet the same requirements placed on Queensland commercial ships.

Guideline

General information about RUFs

A RUF will not be issued for a period in excess of 28 days.

Generally, RUFs will not be issued successively. If this is required, a business case must be presented to the relevant Maritime Safety Queensland office outlining the reasons. The issuing of successive RUFs would normally be restricted to dredging operations. The business case is to be presented before subsequent applications are made.

All approved RUF applications will be issued an 'Authority to Use a Restricted Use Flag' (Authority) for a nominated foreign flagged ship. The Authority will outline the conditions of use which must be complied with. This includes, but is not limited to:

- The ship described must only be operated for the purpose stated in the Authority;
- The nominated ship must have completed a Port State Control Inspection in Australian or New Zealand within the last 6 months or an equivalent Ship Safety Assessment (Refer to section titled 'Ship Safety Assessment Reports'. Any defects are to be identified and rectified before any voyage in Queensland waters commences or continues;
- Under section 43(1) of the *Transport Operations (Marine Safety) Act 1994* a person involved with a ship's operation (including the owner, master, pilot and crew members) must not cause a ship to be operated unsafely;
- The Authority must be carried on the ship while it is operating in Queensland waters;
- An Authority is issued for a stipulated period, the ship must only operate within this period;
- With the exception of dredging operations, the Authority is normally restricted to a single voyage and;
- Upon completion of the stipulated period, the flag must be returned, within 14 days, to the Maritime Safety Queensland office where the RUF was issued.

RUF application

The application must be received by the relevant Maritime Safety Queensland office **at least 7 days** prior to the commencement date of the RUF.

Maritime Safety Queensland will only accept complete applications for a RUF. A complete application consists of the following:

- Application fee for the issue of a RUF;
- Completed application form (F4286: Restricted Use Flag Application - Foreign Flagged Ship); and
- Written union endorsement of the voyage (specifically, this should confirm that there is no suitable Australian ship and/or crew for the voyage) from **all 3** unions:
 - Maritime Union of Australia - www.mua.org.au
 - Australian Maritime Officers Union - www.amou.com.au
 - Australian Institute of Marine and Power Engineers - www.aimpe.asn.au

Ship Safety Assessment Reports

If the nominated ship does not have a current Port State Control Inspection, the applicant must provide a Ship Safety Assessment Report with the RUF application.

A Ship Safety Assessment Report must be provided by a marine surveyor who has the skills, experience and qualifications that are acceptable to Maritime Safety Queensland's Regional Harbour Masters.

A Ship Safety Assessment Report must provide Maritime Safety Queensland with sufficient information to enable the General Manager, Maritime Safety Queensland to make a judgement about whether the ship is safe to operate in Queensland waters.

Without limiting the professional expertise of the marine surveyor, the following are the areas of particular interest to the General Manager in making an assessment:

- accommodation including galley and stores
- ballast management compliance (AQIS)
- cargo holds
- charts
- crew qualifications
- deficiencies noted
- details of ship's certificates and documentation
- emergency fire pump
- engine room
- external superstructure and deck
- fire control stations
- general hull condition and markings
- ISM Code compliance
- pilot boarding arrangements
- pollution prevention
- radio/communications equipment
- recent port/state control inspection including defects noted
- ship's particulars including dates of recent dry docking, special survey and major maintenance
- steering gear
- survival equipment
- wheelhouse equipment.