

Marine Information Bulletin

Applying for a Certificate of Survey

Issued 19 February 2009, last reviewed
17 February 2011

Background

The purpose of this bulletin is to assist accredited persons and ship owners in providing the correct documentation and information when applying for a certificate of survey.

Owners and operators are reminded that a certificate of survey is required to operate a commercial ship in another state. To facilitate the mutual recognition of a certificate of survey by another state or territory marine authority (the receiving authority), assessment of a ship requiring such a certificate must conform to the provisions of the Uniform Shipping Laws Code.

Section 70 of the *Transport Operations (Marine Safety) Regulation 2004* allows for the issue of a certificate of survey for ships which are connected to Queensland. The general manager must be given all relevant information regarding any non-compliance with the Uniform Shipping Laws Code prior to any consideration regarding the issue of a certificate.

Requirements

For mutual recognition of a ship's certificate of survey by a receiving authority, Maritime Safety Queensland must list the non-compliances with the Uniform Shipping Laws Code on the certificate of survey together with the reasons why the non-compliances were accepted, or what equivalent measures were adopted.

The list of non-compliances must state the section of the Uniform Shipping Laws Code in respect of which any major departure is granted, provide basic details of the major departure, and provide a description of what equivalent measures, or operating limitations or conditions that are in place in lieu of the particular Uniform Shipping Laws Code requirement. Accredited persons must also supply documented justification of the basis for acceptance of the equivalent measures (equivalent solutions). See Appendix A.

Certain sections of the National Standard for Commercial Vessels have been published that mimic the Uniform Shipping Laws Code for certain parts of a ship. If a part of a ship does not comply with the Uniform Shipping Laws Code, and if the corresponding National Standard for Commercial Vessels section applicable to that part has been published, demonstrating compliance with the required outcomes stated in the National Standard for Commercial Vessels may be a satisfactory means to show equivalence with the Uniform Shipping Laws Code.

Non-compliances with the Uniform Shipping Laws Code section 14 periodic survey requirements must be included in the list mentioned above.

Common Problems

Some common errors or omissions with regard to applications for certificates of survey are as follows:

- The term "prescriptive" is sometimes used on certificates of compliance to describe design rules or standards used. This term is confusing and therefore should not be used. It is better to state the design rules or standards, and the part(s) of the ship to which they apply.
- Performance-based designs submitted without accompanying documentation and calculations.
- Lack of documentation to support a claim for sister ship status. Note that the sister ship on which the claim is based must not be a sister ship to another existing ship.
- Not ticking the box for the issue of a certificate of survey on the certificate of compliance.
- Nominating section 227 or section 228 of *Transport Operations (Marine Safety) Regulation 2004* as the rule on a certificate of compliance. If a Standard Practice Instruction was used it should be specified on the application.
- If an approved part of the National Standard for Commercial Vessels is used in lieu of a Uniform Shipping Laws Code provision, it must be noted as a variation in the certificate of survey.

Connection with Queensland

Certificates of survey may only be issued to some ships to which the *Transport Operations (Marine Safety) Act 1994* applies.

Part 5, division 4 of the *Transport Operations (Marine Safety) Act 1994* provides the head of power for accredited persons to issue certificates of compliance for survey.

Part 3, division 1 of the *Transport Operations (Marine Safety) Regulation 2004* details the ships to which part 5, division 4 of the *Transport Operations (Marine Safety) Act 1994* applies, namely –

- registrable ships and
- ships built in Queensland to leave Queensland for use interstate

Section 54 of the *Transport Operations (Marine Safety) Regulation 2004* provides the head of power for the issue of certificates of survey under section 70 and applies that process to ships under section 42(1) of the *Transport Operations (Marine Safety) Regulation 2004*. that is, those ships which are registrable.

This means that only ships that are being built in Queensland for operations outside the state, or ships currently operating in Queensland waters as a commercially registered ship, are eligible to apply for a certificate of survey.

For the purpose of connection, a ship that is built in Queensland for operations in a place other than Queensland may be considered as being connected with Queensland until such time that the ship begins operating in the place other than Queensland when the required connection is lost.

Application Requirements

Section 70 of the *Transport Operations (Marine Safety) Regulation 2004* is attached (as Appendix B) for guidance to accredited persons and ship owners on what documentation they must provide to support an application for a certificate of survey.

Fees

Fees are set out in the *Transport Operations (Marine Safety) Regulation 2004* schedule 10 - Fees and Charges, section 11 - certificate of

survey. This document can be found on the Maritime Safety Queensland website (www.msq.qld.gov.au) under Legislation, or on the home page of the Office of the Queensland Parliamentary Counsel (www.legislation.qld.gov.au/OQPChome.htm).

References

- *Transport Operations (Marine Safety) Act 1994*
- *Transport Operations (Marine Safety) Regulation 2004*
- Administrative Protocol for the Mutual Recognition of Vessel Certificates of Survey issued by the National Marine Safety Committee
- National Standard for Commercial Vessels, part B – General Requirements

Contacts

For any further information on certificates of survey please contact Manager (Policy Implementation and Support) Safety Standards Branch of Maritime Safety Queensland on telephone [07] 3120 7354.

Information

For further information about this Marine Information Bulletin, email msqmail@msq.qld.gov.au.

Other Marine Information Bulletins covering various topics relating to the safe operation of ships can be obtained from Maritime Safety Queensland's website www.msq.qld.gov.au and from the following Maritime Safety Queensland regional offices:

Airlie Beach	(07) 4946 2200
Bundaberg	(07) 4131 8500
Cairns	(07) 4052 7400
Gladstone	(07) 4973 1200
Hervey Bay	(07) 4194 9600
Mackay	(07) 4944 3700
Mooloolaba	(07) 5477 8425
Pinkenba	(07) 3860 3500
Southport	(07) 5539 7300
Townsville	(07) 4726 3400

APPENDIX A

The National Standard for Commercial Vessels states required outcomes for safety and provides, in addition to the given prescriptive "deemed-to-satisfy" solutions, a means of showing compliance with the required outcomes using equivalent solutions. The Uniform Shipping Laws Code, being prescriptive, provides only deemed-to-satisfy solutions. However, the methods described in part B of the National Standard for Commercial Vessels may also be used to show compliance with the Uniform Shipping Laws Code using an equivalent solution approach.

To help explain this, the following paragraphs have been selected from part B of the National Standard for Commercial Vessels.

Equivalent solutions are alternative solutions that give levels of safety no less than that provided by the deemed-to-satisfy solution. Equivalent solutions may be one two types -

- Generic equivalent solutions, or
- Local equivalent solutions.

Generic equivalent solutions are solutions that are independent of the circumstances of a particular locality or operation within a locality. Generic equivalent solutions shall continue to fulfil the applicable required outcomes, notwithstanding that a vessel may transfer to a different locality or jurisdiction or may engage in a different operation within the limits of its service category.

Local equivalent solutions are solutions that are specifically customised for the circumstances of a particular locality or operation within a locality. Local equivalent solutions shall further fulfil the applicable required outcomes while the vessel is operating within the particular locality or operation. (Local equivalent solutions are not necessarily transferable to other localities nor may they be accepted by other jurisdictions.)

Following are some assessment methods for equivalent solutions:-

- Evidence to support the use of a material, form of construction, design or system of work that meets a deemed-to-satisfy solution. (Deemed-to-satisfy solutions are solutions prescribed in the National Standard for Commercial Vessels that, if complied with, mean automatic compliance with required outcomes.)

- Evidence to support the use of a material, form of construction, design, or system of work that meets the applicable required outcomes.
- Quantitative comparison with the deemed-to-satisfy solution.
- Quantitative risk analysis.
- Expert judgement with or without qualitative risk analysis.

Proving that an equivalent solution provides equivalent safety can be time consuming and expensive. Specialised professionals and test facilities may be required. The onus rests on the applicant to show that their solution is equivalent. Guidelines for hazard identification, risk assessment and control of risk are provided in annex B of part B of the National Standard for Commercial Vessels while guidance on acceptable risk is given in annex C of part B of the National Standard for Commercial Vessels. Also, AS/NZS 4360 provides further information on the risk management process.

Any decisions made under the National Standard for Commercial Vessels using these methods must be fully documented and copies of all relevant documentation must be retained for future reference, which may include third party audit.

Following are some examples of the type of documentation that should be prepared and retained for equivalent solution methods:

- Details of the relevant required outcomes;
- The assessment method or methods used to establish compliance with the relevant required outcomes;
- Details of any expert judgement relied upon including the extent to which the judgement was relied upon and the qualifications and experience of the expert;
- Details of any tests or calculations used to determine compliance with the relevant required outcomes;
- Test certificates, classification certificates or other documentation from an appropriate body which verify that a solution meets an applicable standard; and
- Details of any standards or other information which were relied upon.

APPENDIX B

Extract from the *Transport Operations (Marine Safety) Regulation 2004*

Division 5: Certificates of survey

70. General manager may issue certificate of survey for ship

(1) The general manager may issue a certificate of survey for a ship.

(2) The general manager may issue the certificate only if the application for the certificate is accompanied by—

(a) certificates of compliance for the whole ship from—
(i) an accredited ship designer; and
(ii) an accredited marine surveyor; or

(b) the following documents for the whole ship—

(i) for the ship design—
(A) a design approval certificate for the ship; and
(B) any other certificates of compliance for the design of the ship not covered by the design approval certificate;

(ii) other than for the ship design, a certificate of compliance for the survey of the whole ship issued by an accredited marine surveyor.

(3) The general manager may issue the certificate only if—

(a) the general manager has inspected the ship, if the general manager considers an inspection is necessary; and

(b) the general manager is satisfied the design or survey of the ship conforms with the requirements of standards about ship design or survey made under part 4, division 2 of the Act and applying to the ship.

(4) A person is taken to have given the general manager the certificates of compliance necessary for subsection (2)(a)(i) if—

(a) a replacement certificate was issued, or could have been issued, under the 1995 regulation, section 191(3) as in force immediately before the expiry of the section; or

(b) design plans, subdivision and stability documents were approved as part of an application for the survey and registration of the ship under the 1987 regulation; or

(c) a certificate equivalent to a certificate of survey has been issued under a law of the Commonwealth or another State, or by a classification society.

(5) If the certificate mentioned in subsection (4)(c) is issued by a classification society and does not relate to the whole ship, the general manager may issue the certificate of survey only if the application is accompanied by the certificates of compliance mentioned in subsection (2)(a) for those parts of the ship not covered by the certificate of survey.

(6) For subsection (4)(c), the general manager may also require the person to give the general manager—

(a) details of the issue of the certificate for the ship under the law of the Commonwealth or the other State; and

(b) copies of the design plans and any other documents approved for the ship under the law of the Commonwealth or the other State.

(7) A certificate of compliance for survey mentioned in subsection (2)(a)(ii) or (2)(b)(ii) must have been issued not more than 1 month before the application for the certificate of survey is made.

(8) The procedure for obtaining a certificate of survey for a ship is in part 6.