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REPORT OF SEMINAR

IMO regional seminar on operational safety of domestic ferries and non-convention vessels

Suva, Fiji, 7 – 11 December 2009

SPC Secretariat of the Pacific Community

IMO

Secretariat of the Pacific Community
Suva, Fiji
2009

IMO REGIONAL SEMINAR ON OPERATIONAL SAFETY OF DOMESTIC FERRIES AND NON-CONVENTION VESSELS

Report compiled by the Regional Maritime Programme of the Secretariat of the Pacific Community

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EXECUTIVE SUMMARY

The Secretariat of the Pacific Community's (SPC) Regional Maritime Programme (RMP), in conjunction with International Maritime Organization (IMO) organised a Seminar on operational safety of domestic ferries and non-convention vessels which was held in Suva, Fiji, from 7 - 11 December 2009. The Seminar was attended by 34 participants representing Cook Islands, Fiji, Kiribati, Palau, Papua New Guinea, Republic of Marshall Islands (RMI), Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu and resource people drawn from Bligh Water Shipping Ltd, Billett Wright & Associates Ltd, Marine Safety Services Ltd, Samoa Shipping Corporation (SSC) and SPC RMP.

The five-day Seminar gathered stakeholders from PICTs to create awareness among Pacific Island governments on the safety of domestic ferries and non-convention vessels in the context of recent maritime accidents in the region and to promote the use of the regional standard, "*SAFETY REGULATIONS FOR NON-CONVENTION VESSELS*". The key issues tabled for the Seminar were: (i) Overview on IMO Conventions (SOLAS, MARPOL, STCW, LL, HSC, SFV and UNCLOS article 94); (ii) Limitation on regulatory requirements for safety, security and pollution prevention; (iii) National responsibilities for implementation of relevant regulations and their enforcement; (iii) Introduction to the IMO model regulations for non-convention vessels; (iv) Adaptation of IMO model regulations for non-convention vessels; types of vessels not covered by model non convention ship regulations - managing their safety; (v) Current national regulations for non-convention vessels in the region; (vi) Construction of vessels (sub-division, loadlines) including types of construction material – steel, aluminium, fibre, GRP, composites, wood; (vii) Propulsion and generating machinery installations, electrical installations, fire protection, equipment approval and plan approval; (viii) Life saving appliances, radio communications, navigation aids; ship certification and regulations; (ix) Overview of safety of navigation; (x) *MV Ovalau II* & *MV Uenteraoi*; (xi) Regulations for different types of vessels; (xii) ISM/SSM implementation in the context of the Samoa Shipping Corporation experience; (xiii) Maritime auditing; (ixv) Application of National Regulations; (xv) Safety Management System; (xvi) Port state control, non-convention vessel; (xvii) Changes to national regulations.

This Seminar provided the opportunity to identify and address specific needs and concerns of Pacific Island nations in the operation of domestic ferries and non-convention vessels, which was based on regional experience; and the participants developed an understanding of the legislative needs in terms of developing and enforcing safety regulations for non-convention vessels engaged in local, coastal or regional voyages in the Pacific Islands region. It also provided the participants with the opportunity to prepare a set of resolutions for consideration by their Governments.

SPC RMP was directed to commence a domestic vessel safety audit using the RMP/PacMA audit regime based on regional auditing standards and to provide technical assistance to national agencies in the formulation of maritime legislation and regulations as well as in other areas as required by the national agency.

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0830-0900 0900-0945	• Opening formalities, ***(MPMA)*** • Introduction of Participants and Facilitators ***(MTAA)***	Introduction to the IMO Model regulations for non-convention vessels ***/ MSAD)*** ***(Group Discussion)***	• Life saving appliances, radio communications, Navigation Aids • Ship certification and regulations ***(MPSO)/ Isaac Whippy – Marine Safety Services*** ***(Group Discussion)***	• Safety management, ISM Code, benefits and applicability • Application of National regulations ***(MPSO) &*** ***(ISM/SSM implementation: Abraham Simpson – Bligh Water Shipping Ltd)*** ***(Group Discussion)***	• National responsibilities for implementation of relevant regulations and their enforcement • Enforcement of regulations ***(MTSO)*** ***(Group Discussion)***
0945-1030	• Programme outline • Aims and Objectives of the seminar ***(MTAA)*** ***(Group Discussion)***	• Adaptation of IMO Model regulations for non-convention vessels • Types of vessels not covered by model non convention ship regulations • Managing their safety ***MSAD) (Group Discussion)***			• Harmonization of standards and regulations • Regional Agreements - Audits of Domestic vessels ***(MLAD/MTAA)*** ***(Group Discussion)***

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1430-1445	**Break**	**Break**	**Break**	**Break**	**Break**
1445-1600	National responsibilities for implementation of relevant regulations and their enforcement ***(MLAD)*** ***(Group Discussion)***	Propulsion and Generating machinery installations, electrical installations, fire protection, Equipment approval, plan approval ***(MTSO)*** ***(Group Discussion)***	• Company/Owner/Manager/operator responsibility for vessel crew, passenger and cargo safety and security, pollution prevention. • Application of National regulations (ISM/SSM implementation **(Papalii Willie Nansen – *Samoa Shipping Corporation Ltd*)** ***(Group Discussion)***	Measures for the safety of national and visiting non-convention vessels ***(MPSO)/ (MTSO) (Group Discussion)***	Role of Recognized Organizations and the role of the Regional Safety Subcommittee) ***(MTSO/MTAA)*** ***General discussion)*** ***(Facilitators, Participants, PacMA Safety Committee reps and RMP)*** Seminar review and evaluation Closing formalities and distribution of certificates ***(MTAA/(MPMA)***

1. INTRODUCTION

Maritime accidents and incidents cost the shipping industry and the affected communities millions of dollars every day. Even though an accident happened a decade or more ago the repercussion is still felt and the innocent communities continue to pay the bill.

Understandably, the majority of accidents affect the most active and productive age group of any community thus heavily impacting on its current and future effectiveness. Pacific island countries and its limited resources can ill afford these costs, more so under the current global economic climate. Recent accidents had highlighted this fact resulting in Regional Leaders and IMO taking action to address this concern, hence the importance of this Seminar. A genuine safety culture should be of interest to all: the State, regulators, the community, senior decision makers in shipping companies and not only those with direct involvement in the day to day technical operation of their companies' ships, because improving safety saves money as well as lives. In addition to ethical and social responsibilities, shipping companies must practice a safety culture because it is a matter of enlightened self-interest.

2. PURPOSE

The purpose of this Seminar was to promote awareness among Pacific Island governments on the safety of domestic ferries and non-convention vessels in the context of recent maritime incidents in the region *(based on lessons learnt from recent accidents and incidents);* and to promote the use of the regional standard, "*SAFETY REGULATIONS FOR NON-CONVENTION VESSELS"*, among Pacific Island governments;

It also aimed to identify and address specific needs and concerns of the Pacific Island nations in operating domestic ferries and non-convention vessels *(based on regional experience in operating domestic ferries and non-convention vessels);* and to promote an understanding of the legislative needs in terms of developing and enforcing safety regulations for non-convention vessels engaged in local, coastal or regional voyages in the Pacific Islands region.

3. VENUE, HOST AND PARTICIPANTS

The seminar, co-hosted by SPC RMP and IMO, was held in Suva, Fiji from 7 – 11 December 2009. The Seminar was attended by 34 participants representing Cook Islands, Fiji, Kiribati, Palau, Papua New Guinea, Republic of Marshall Islands (RMI), Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu and resource people from Bligh Water Shipping Ltd, Samoa Shipping Corporation (SSC) and SPC RMP. The list of participants is attached as Annex 1.

4. OPENING REMARKS

Welcome speeches were made by Captain John Hogan and Taulapapa Captain Maselino Tominiko of SPC RMP. Captain John Hogan welcomed the participants to the Seminar on behalf of SPC RMP and IMO.

According to Captain Hogan, the issues surrounding the safety of domestic vessels were well known and SPC, together with the Pacific Islands Maritime Association (PacMA), had been considering these issues for over two years. The first Seminar on substandard shipping was held in August 2007 and SPC RMP worked with IMO in 2008 to see what effective measures could be taken to address ferry safety. One of the recommendations from the first Seminar was to hold another seminar to consider progress on safety of domestic vessels which IMO had agreed to fund. The two tragic accidents, which happened in Kiribati and Tonga this year, had highlighted how important safety of domestic shipping was to Pacific island countries. Tens of thousands of passengers and thousands of tonnes of cargo were carried throughout the Pacific each year. The Pacific relied on shipping not only for the day to day needs of people living on small islands but also for trade and economic development. Talking about shipping in the Pacific, the usual phrases like 'tyranny of distance', 'small populations', 'unprofitable routes' are all true but these challenges did not have to mean that the ships supplying these services are unsafe or that the vessels are unseaworthy.

This Seminar aimed to address the issues surrounding safe operations by examining each of the different issues through regular surveying and then initiatives that ship owners can do to provide a safe operating environment for their ships. It was hoped that participants would benefit from this Seminar and exchange pertinent views and ideas. Finally Captain Hogan thanked RMP staff for providing the training material for the Seminar and the presentations that had been prepared.

5. SEMINAR ACTIVITIES

The seminar activities mainly constituted presentations by resource people and open forum discussions that rounded off with the signing of a Memorandum of Understanding (MOU) permitting SPC RMP to undertake audits on domestic shipping operations.

8.1. PRESENTATIONS

The following powerpoint presentations were made which covered the issues pertaining to domestic shipping in the Pacific islands region and are attached accordingly:

8.1.1. AIMS AND OBJECTIVES OF THE SEMINAR: was presented by Taulapapa Captain Maselino Tominiko, Maritime Training and Audit Adviser of SPC RMP (Annex 2).

8.1.2. Overview on IMO Conventions (SOLAS, MARPOL, STCW, LL, HSC, SFV and UNCLOS article 94): was presented by Tufuga Fagaloa Tufuga, Maritime Legal Adviser of SPC (Annex 3).

8.1.3. LIMITATION ON REGULATORY REQUIREMENTS FOR SAFETY, SECURITY AND POLLUTION PREVENTION: was presented by Alobi Bomo, Maritime Technical Security Officer of SPC RMP (Annex 4).

8.1.4. NATIONAL RESPONSIBILITIES FOR IMPLEMENTATION OF RELEVANT REGULATIONS AND THEIR ENFORCEMENT: was presented by Tufuga Fagaloa Tufuga (Annex 5).

8.1.5. INTRODUCTION TO THE IMO MODEL REGULATIONS FOR NON-CONVENTION VESSELS: was presented by Captain John Rounds, Maritime Shipping Adviser of SPC RMP (Annex 6).

8.1.6. ADAPTATION OF IMO MODEL REGULATIONS FOR NON-CONVENTION VESSELS; TYPES OF VESSELS NOT COVERED BY MODEL NON CONVENTION SHIP REGULATIONS - MANAGING THEIR SAFETY: was presented by Captain John Rounds (Annex 7).

8.1.7. THIS IS IT: SAFETY REGULATIONS FOR NON-CONVENTION VESSELS: was presented by Tufuga Fagaloa Tufuga (Annex 8).

8.1.8. CONSTRUCTION OF VESSELS (SUB-DIVISION, LOADLINES) INCLUDING TYPES OF CONSTRUCTION MATERIAL – STEEL, ALUMINIUM, FIBRE, GRP, COMPOSITES, WOOD: was presented by Mr. David Martin, Director: Marine Surveyor of Billett Wright & Associates Ltd (Annex 9).

8.1.9. PROPULSION AND GENERATING MACHINERY INSTALLATIONS, ELECTRICAL INSTALLATIONS, FIRE PROTECTION, and EQUIPMENT APPROVAL PLAN APPROVAL: was presented by Alobi Bomo (Annex 10).

8.1.10. LIFE SAVING APPLIANCES, RADIO COMMUNICATIONS, NAVIGATION AIDS: was presented by Captain Hakaumotu Fakapelea, Maritime Port Security Officer of SPC RMP (Annex 11).

8.1.11. SHIP CERTIFICATION AND REGULATIONS: was presented by Captain Hakaumotu Fakapelea (Annex 12).

8.1.12. *MV OVALAU II* & *MV UENTERAOI***:** was presented by Fagaloa Tufuga, Maritime Legal Adviser of RMP at SPC (Annex 13).

8.1.13. OVERVIEW OF PacMA SAFETY SUBCOMMITTEE: was presented by Alobi Bomo (Annex 14).

8.1.14. ISM/SSM IMPLEMENTATION SAMOA SHIPPING CORPORATION EXPERIENCE: was presented by Mr. Papalii M. Willie Nansen, Managing Director of Samoa Shipping Corporation (Annex 15).

8.1.15. MARITIME AUDITS: was presented by Taulapapa Captain Maselino Tominiko (Annex 16).

8.1.16. SAFETY MANAGEMENT SYSTEM: was presented by Captain Hakaumotu Fakapelea (Annex 17).

8.1.17. PORT STATE CONTROL, NON-CONVENTION VESSEL: was presented by Captain Hakaumotu Fakapelea (Annex 18).

8.1.18. CHANGES TO NATIONAL REGULATIONS: was presented by Tufuga Fagaloa Tufuga (Annex 19).

8.2. EMERGING ISSUES

Discussions during the seminar allowed the participants to come to conclusions regarding domestic shipping in the Pacific, the gist of which is as follows:

8.2.1. Overview of IMO Conventions (SOLAS, MARPOL, STCW, LL, HSC, SFV and UNCLOS article 94)

Issues were raised by RMP that the safety legislation is inadequately implemented in the region and also the need for the countries to work as a region to share experiences, solutions and resources for the betterment of the region and the shipping industry. It was also stated that there was a need to take ownership of the generic safety legislation drafted by PIMLA, which addressed non-convention vessels as well. Vessels below 500 gross tonnes were not included under SOLAS but the safety of vessels was important regardless of size. It was explained that the cut off size between conventional and non-convention vessels was 500 tonnes therefore, the non convention vessels were not as much scrutinised as the convention vessels in the global context. Fiji explained that a lot of small domestic fishing vessels operated in Fiji waters sailing from one island to another, including fibreglass boats, and at times these were subject to costly search and rescue operations. Hence effective safety measures were required to be put into place to address such vessels so that Government's limited resources were utilised properly. An issue was raised on land-based oil pollution and whether it could be addressed by IMO. It was explained that the land based pollution had to be addressed nationally by an appropriate authority. It could not be covered by IMO since it did not originate from ships, however, current IMO conventions & guidelines could be utilised for non-convention vessels and in other circumstances but it was up to the countries to implement it. The SOLAS convention applies to vessels of 500 gross tonnes and over engaged in international voyages. SOLAS assumes vessels under 500 tonnes are usually domestic vessels and should be addressed nationally; however there is a growing number of much larger vessels entering the domestic trade and hence the need to address these accordingly. Participating Countries were urged to implement the Automatic Identification System (AIS – a short range coastal tracking system used on ships by vessel traffic services for identifying and locating vessels through electronically exchanging data with other nearby ships and land-base stations). Similarly finding a regional solution to the implementation of the Global Maritime Distress Safety System (GMDSS – an internationally agreed upon set of safety procedures, types of equipment and communication protocols to make it easier to rescue distressed ships). Concerns were also raised on the high cost of classification society services, given the new trend of splitting up surveys and servicing life saving appliances, etc. According to participants, the safety rules in their countries were either not adequate or out of date. The countries had different ways of operating and had different requirements so it was suggested that the safety legislation should be incorporated in such a way to address the countries needs effectively.

The general survey of safety equipment for a vessel under a classification society was conducted by Flag State surveyors but for hull and machinery, the International Association of Classification Societies Ltd (IACS) members were contracted to survey it. In PNG's case, the Maritime Administration reviewed its legislation for Flag State surveyors to survey vessels and the requirements that were needed to meet safety standards of the maritime administration. Radio surveys were conducted by class-approved specialists. With so many vessels in PNG, some of the survey work was outsourced to non-exclusive surveyors. The small craft bill in PNG was now addressing vessel lengths of 15m and below which was previously left to the local Provincial Governments to administer. Ships below 500 GT were mostly surveyed by Flag State surveyors, whilst those above 500 GT were mostly surveyed by Classification Societies that were approved by the Maritime Administration. Loadline surveys however, was still a challenge for small boats, as the

loadline requirements were not clearly specified in their legislation. Some Administrations required assistance with loadline calculations for new ships and especially when ships had been modified. Loadline calculations were usually done by Contracted Foreign Naval Architects.

8.2.2. Limitation on regulatory requirements for safety, security and pollution prevention

The participants requested more information on PIMLaws and asked if it covered non-convention vessels. RMP has, since 2000, provided generic maritime legislation and regulations and assisted members promulgate maritime laws. Since its establishment in July 2005, PIMLA has been working in collaboration with RMP in terms of assisting Pacific Island countries and territories (PICTs) with legal maritime matters, in particular, facilitating their adoption of international maritime conventions into domestic laws. The rate of adoption has generally been slow for various reasons and one of PIMLA's functions has been to ensure PICT governments are given the best practical advice on such matters. PIMLaws covered non-convention vessels from its early stages and this came about when legal consultants from the region came together to draft the required legislation. PIMLaws are available for SPC member countries to pass to their legal advisers or attorney generals' offices to approve then incorporate into their national legislation. The participants suggested that the proposed plan of action should include a technical team to address maritime specific details required for a regionally acceptable model which the States could amend accordingly. There was also a need to address MARPOL ships' waste requirements (shore reception facilities for used oil, garbage, sewerage, etc). According to the participants, the Maritime Administrations should have legislation for sewage discharge requiring ships to be off shore a certain distance as specified by the Administration before the sewage was to be discharged. Participants noted that IACS services were very expensive for maritime administrations and ship-owners. The seminar was reminded of an earlier call to explore the establishing of a regional equivalent of the Classification Society to get proper accreditation so that qualified personnel from within the region could be utilised. According to the participants, domestic shipping should be operating under a general safety certificate, issued by the administration or legislation authority. The safety legislation should also include a checking procedure to check the certificates issued.

8.2.3. Introduction to the IMO Model regulations for non-convention vessels

Although some countries were not party to some of the IMO conventions dealing with shipping, most of the PICs were party to UNCLOS, which had a section on shipping and according to PIMLA, only Kiribati and Niue were not as yet a party to UNCLOS. According to the participants, the flag states, ship owners and the master needed to have a good relationship with each other so that the safety and security of ships are maintained. It was suggested that there should be regular consultations between these parties for the general safety of vessels. Tuvalu commended RMP for bringing in the ship owners to this seminar together with the maritime administrators which made it easier for the participants to share views and discuss issues relating to safety of ships. Papua New Guinea suggested that upon return to their respective countries, the participants should hold consultations with the stakeholders in their respective countries to discuss these issues. RMP/PIMLA offered to provide any assistance needed in the implementation of safety regulations in the region. The idea was to have harmonisation of safety legislation in the region and make the laws proactive.

8.2.4. Current national regulations for non-convention vessels in the region

There was a suggestion to include fishing vessels under national regulations. Previously it was controlled by individual countries for vessels operating within their jurisdiction; however, recently international entities have taken an interest in controlling fishing vessels in the region. Solomon Islands stated the caveat procedures for shipping was not included in their shipping regulations, which was necessary to protect the maritime peoples' interests. It was, however, included in the PNG shipping regulations and the procedures were well defined. Another issue raised was the inclusion of fishing vessels over 500 gross tonnes into the safety regulations. Fishing vessel provisions were included in the Palau shipping standards and it was suggested that the Governments of individual countries could include it into their national legislation if they so wished.

The participants felt that there was a need for a clear definition of the roles of the Flag State, Administration, Shipping Company, Master and any designated maritime representatives as there were many new entrants into the maritime industry. The participants agreed that it was vital for PICTs to have a regional safety standard and PICTs needed to work as a region to share experiences, solutions and resources for the betterment of the region and the maritime industry. There was a need in the region to have law enforcement for small vessels as the majority of people use small crafts all the time for essential maritime transportation. It was suggested that the regional legal expertise should consider drafting a small craft legislation which covers the needs to have the vessels below 24 meter in length registered. The legislation should also include the requirements for details of safety equipment on board and the general procedures of renewal. It was suggested that the length, engine power requirement, fuel requirement, distance limits, the maximum number of people on board at one time and the types of simple safety equipment on board should be clearly defined in the legislation. There was also a need to have a common legislation and arrangement in Maritime Administrations of the Region on the purchase of second-hand vessels. The second-hand vessels needed to be inspected to meet certain requirements prior to being purchased and registered in a country. Some maritime administrations did not have a legislation that covers the guidelines/procedures for purchase of new vessels. It was noted that piracy and armed robberies against ships had become more frequent in the present times and was a great concern to shipping in the world. These acts could be controlled by improving security on ships and in port facilities. Also, there is a need for proper safety procedures in place as well as the relevant legislations and regulations. *Ekawat Nava 5*, which was the name of a Thai trawler, was mentioned. It was sunk in the Gulf of Aden by the Indian Navy's frigate *INS Tabar*, who believed that the ship was a pirate 'mother vessel'.

8.2.5. Construction of Vessels (sub-division, loadlines) including types of construction material – steel, aluminium, fibre, GRP, composites and wood

During the construction of a vessel, the number of surveyors depended on the size of the vessel to be constructed. Fiji constructed a useful landing craft some years ago which could carry 17 trucks on board, motor vehicles, dry and reefer goods, fuel and even fresh water. Unfortunately the *MLC Yaubula* is now a derelict off Nuku'alofa in Tonga. It was suggested that Fiji should build more such ships and supply it to other PICTs. A clarification was sought on the selection of engineering surveyors by members of IACS. The Classification Society trains engineers to do the surveys. Their criterion was to have a first class surveyor's certificate or a degree in engineering in order to be

selected by a member of IACS. The general survey of safety equipment was surveyed by flag state surveyors but for machinery, which required specialist knowledge, the International Association of Classification Societies (IACS) members were usually contracted to survey it. Participants also felt that the loadline surveys for small boats were not specified clearly for some Administrations. When the ships were modified, loadline calculations were usually done by contracted foreign naval architects. Due to a large number of vessels to be surveyed, some of the surveys were done by non-exclusive surveyors. The Small Craft Bill addressed vessel lengths less than fifteen meters which was basically left to the local Provincial Governments. The ships below 500 gross tonnage were mostly surveyed by Flag State surveyors whereas those above 500 gross tonnage were mostly surveyed by IACS.

It was stated that there were not many life raft servicing centres in the region. Life rafts were usually certified for one year. The life of a raft depended on its design life, which was at least 20 years, however improper handling can affect this. A PNG company did life raft and tube servicing as well as testing of cables. It was very costly to do the servicing (about US$4000-$5000) per vessel if there were a lot of things to be changed. Tuvalu requested assistance from SPC RMP to provide some training for the region to start a service centre for life rafts since Tuvalu had over 100 life rafts to service every year. Solomon Islands had a life raft service station. Shipping owners could not afford it so they had asked the Australian and New Zealand Governments to provide support in building another one in the country. Solomon Islands had about 200 vessels with more than 200 life rafts. The provisions for life raft servicing were generally included into national regulations.

8.2.6. Application of National Regulations

Bligh Water Shipping gave an overview of their operations and their experience in implementing the ISM Code in their fleet. The company operates inter-island shipping services in Fiji. According to the Bligh Water Shipping Chief Executive Officer, the company was doing well in the first few years of its operation; however, the main engines of the two ships started having problems causing financial hardship for the company. To overcome this difficulty, new engineers were hired and an effective planned maintenance programme was put into place along with maintenance and fire fighting. The company also implemented the ISM Code and undergoes quarterly internal audits and an annual external audit. The initial external audit was conducted by SPC RMP in February last year. Questions were asked whether the cost was a factor in implementing ISM. There was a cost involved in implementing ISM but according to Bligh Water Shipping, they had less breakdowns and an improved system after implementing ISM. Their revenue increased as a result. In response to the question on how this implementation can be effected and what FIMSA should do to facilitate this, it was suggested that the Fiji Islands Maritime Administration (FIMSA) should engage more with shipping companies and establish a good relationship with them to discuss various shipping issues that arise. The Fijian Marine Act was amended in 2005, which recognised FIMSA as the body for looking after marine regulation, ship registration and safety of shipping and also responsible for implementing and enforcing IMO Conventions. Fiji had two codes; Fiji Maritime Code, which deals with non-convention ships of more than ten meters and Fiji Marine Small Craft Code for commercial vessels less than ten meters. According to Fiji, it also had Marine regulations for minimum safe manning and qualification of seafarers. Although FIMSA was responsible authority for issuing of certificates, this job was carried out by Fiji Marine Board. Fiji did three types of surveys, which included initial, periodic and semi-annual surveys. The case study of the sinking of *MV Ovalau* was

presented. It was stated that the contributing factors for the sinking of *MV Ovalau* were over-flooding and the complacency of the shipowner, the failure of FIMSA to enforce the Marine Act and Regulations and the unseaworthiness of the vessel, the old age of the vessel and the incompetent of the master (according to the law). Another case study was presented which gave an overview on *Uenteraoi* boat. According to Kiribati, it was not certified and was unseaworthy to travel. There were no life jackets on board. The participants felt that proper procedures should be followed and there should be proper training of crews on board.

8.2.7. Changes to national regulations

Fiji stated that the archaic legal terms in the Fijian regulations were difficult to understand by non-legal persons. The participants agreed that the drafting of future legal documents should be user-friendly. PIMLA confirmed that the safety regulations developed by them were easy to understand and was in simple English. They also offered to provide assistance, if needed, for any modification of the Shipping Acts in the countries. A point was raised that criticism was often directed at ship owners but there were no rules to police the maritime administrations and other regulators when they were in error. Solomon Islands, like other countries had general orders that penalised any public servant who breached the law and other relevant rules.

6. SEMINAR OUTCOMES

6.1. Resolutions

The Seminar agreed to the attached resolutions which encapsulated specific needs and concerns of PICTs and will allow collaboration between regional agencies and national authorities to address operational safety of domestic ferries and non-convention vessels in the Pacific.

Resolution IMO/SPC/12/2009

International Maritime Organization and Pacific Islands Forum Leaders

Sponsors: International Maritime Organization & the Secretariat of the Pacific Community

Signatories: Tonga, Samoa, New Guinea, Solomon Islands, Vanuatu Marshall Islands, Tuvalu, Kiribati, Palau, Papua

Topic: "Operational Safety of Domestic Ferries and non-Convention Vessels in the Pacific"

Recognising the special needs of the people of the Pacific region, the recent IMO sponsored "*Regional Seminar on Operational Safety of Domestic Ferries and non-Convention Vessels in the Pacific"* identified that:

- the concerns on the safety of non-convention vessels in the region require drastic and urgent responses with corresponding actions.
- recent maritime incidents in the region underscore those concerns and Pacific Island governments are urged to take necessary steps to prevent future maritime casualties.

- the regional standards on safety regulations for non-convention vessels need to be adopted urgently;
- the following resolutions and outcomes, which encapsulate specific needs and concerns of PICTs, be agreed upon and implemented in order to assist the efforts by IMO, regional agencies and national authorities.

To ensure that all vessels in Pacific Island trade are seaworthy for their intended voyages in terms of their size and area of operation, Regional Governments are exhorted to:

a. **Agree** to use the Safety Regulations for Non-Convention Vessels under PIMLAWs (based on IMO's Safety Regulations for Non-Convention Vessels Operating in the Pacific Region) and to prioritise the implementation of this set of regulations in the region.

b. **Agree** to conduct surveyor training using the PacMA/RMP regional surveying guidelines.

c. **Agree** to establish Safe Ship Management (SSM) audit regime when systems are in place.

d. **Commit** to review the existing SSM manuals and to introduce SSM Code into all domestic shipping companies in the region.

e. **To request** SPC/RMP to investigate regional arrangements for Port State Control (PSC)/Flag State Implementation (FSI) for domestic vessels:
    - Maritime safety legislation to be amended for Maritime Administrations to implement PSC on vessels visiting their ports.

SECRETARIAT OF THE PACIFIC COMMUNITY

IMO-funded Regional Seminar on Operational Safety of Domestic Ferries and Non-Convention Vessels

Suva, Fiji Islands, 07 – 11 December 2009

LIST OF PARTICIPANTS FOR DISTRIBUTION

PARTICIPANTS BY COUNTRY

COOK ISLANDS

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IMO REGIONAL SEMINAR ON OPERATIONAL SAFETY OF DOMESTIC FERRIES AND NON-CONVENTION VESSELS
Suva, Fiji 7 – 11 December 2009

IMO REGIONAL SEMINAR ON OPERATIONAL SAFETY OF DOMESTIC FERRIES AND NON-CONVENTION VESSELS
Suva, Fiji 7 – 11 December 2009

- Maritime accidents and incidents cost the shipping industry and the affected communities millions of dollars a day.
- Even though an accident happened a decade or more ago the repercussion is still felt and the innocent communities continue to pay the bill.
- The following examples provide some indication of the extent and cost to the affected communities.
  - In 1999, the *COST OF CIVIL AVIATION ACCIDENTS AND INCIDENTS REPORT* revealed that every death from an aviation accident in Australia costs society $1.5m, each serious injury an estimated $545,000 and each minor injury $205,000.
  - The *BUREAU OF TRANSPORT ECONOMICS* reported that in 1996, aviation accidents cost to the Australian community was $112m and in 1993 maritime accidents casualties and cost was $316m.

- Understandably the majority of accidents affect the most active and productive age group of any community thus heavily impacting on its current and future effectiveness.
- PACIFIC ISLAND COUNTRIES AND ITS LIMITED RESOURCES CAN ILL AFFORD THESE COSTS, MORE SO UNDER THE CURRENT GLOBAL ECONOMIC CLIMATE.
- Recent accidents have highlighted this fact resulting in Regional Leaders and IMO taking action to address this concern, hence the importance of this Seminar.
- SAFETY CULTURE SHOULD BE OF INTEREST TO ALL: the State, Regulators, the community, senior decision makers in shipping companies and not only those with direct involvement in the day to day technical operation of their companies' ships, because improving safety - SAVES MONEY AS WELL AS LIVES.
- In addition to ethical and social responsibilities, shipping companies must practice a safety culture because: To foster a safety culture - IS A MATTER OF ENLIGHTENED SELF INTEREST.

IMO REGIONAL SEMINAR ON OPERATIONAL SAFETY OF DOMESTIC FERRIES AND NON-CONVENTION VESSELS
Suva, Fiji 7 – 11 December 2009

THE BROAD OBJECTIVES OF THIS SEMINAR ARE TO:

- promote awareness among Pacific Island governments on the safety of domestic ferries and non-convention vessels in the context of recent maritime incidents in the region *(based on lessons learnt from recent accidents and incidents);*
- Promote the use of the regional standard, "*SAFETY REGULATIONS FOR NON-CONVENTION VESSELS*", among Pacific Island governments;
- identify and address specific needs and concerns of the Pacific Island nations in operating domestic ferries and non-convention vessels *(based on regional experience in operating domestic ferries and non-convention vessels);* and
- promote an understanding of the legislative needs in terms of developing and enforcing safety regulations for non-convention vessels engaged in local, coastal or regional voyages in the Pacific Islands region.

IMO REGIONAL SEMINAR ON OPERATIONAL SAFETY OF DOMESTIC FERRIES AND NON-CONVENTION VESSELS
Suva, Fiji 7 – 11 December 2009

THE EXPECTED OUTCOMES OF THE SEMINAR ARE:

- A draft agreement in the form of a Memorandum of Understanding (MOU) permitting RMP to undertake audits on domestic shipping operations *(in view of recent developments)*
- A proposed Plan of Action for the next three years to address maritime safety issues relating to non-convention vessels; and
- A report capturing the proceedings of the seminar.

"Pacific Maritime Administrations have a huge responsibility on behalf of their respective States to ensure, at all times, a higher level of safety for vessels, their passengers and cargo under their jurisdiction"

The International Maritime Organisation, the Secretariat of the Pacific Community and the Regional Maritime Programme is ready to assist

IMO REGIONAL SEMINAR ON OPERATIONAL SAFETY OF DOMESTIC FERRIES AND NON-CONVENTION VESSELS
Suva, Fiji 7 – 11 December 2009

Overview of key IMO Conventions

Tufuga Fagaloa Tufuga
Regional Maritime Legal Adviser
SPC Regional Maritime Programme
Regional Seminar on Operational Safety of Domestic Ferries and Non – Convention Vessels
7 -11 December 2009, Suva, Fiji

Presentation Outline

- "An Inconvenient Truth"
- International Maritime Regulatory Regime
- Status of PICs on IMO Conventions
- Relevant IMO Conventions
- Application of rules to Convention vs Non – Convention vessels
- Conclusion
- Discussion

"An Inconvenient Truth"

- Legislation implementation inadequate
- Aging domestic fleet
- High operation costs
- Enforcement lacking
- Laxity in approach
- Low priority for maritime by PICs
- Maritime casualties has increased in recent years
- Lack of ownership etc

International Maritime Law

PICs and IMO Conventions

Nov-09	IMO Convention 48	IMO amendments 91	IMO amendments 93	SOLAS Convention 74	SOLAS Protocol 78	SOLAS Protocol 88	LOAD LINES Convention 66	LOAD LINES Protocol 88	TONNAGE Convention 69	COLREG Convention 72	CSC Convention 72	CSC amendments 93	SFV Protocol	STCW Convention 78	STCW-F Convention 95	SAR Convention 79	INMARSAT Convention 76	INMARSAT OA 76	INMARSAT amendments 94	INMARSAT amendments 98	FACILITATION Convention 65	MARPOL 73/78 (Annex I/II)	MARPOL 73/78 (Annex III)	MARPOL 73/78 (Annex IV)	MARPOL 73/78 (Annex V)	MARPOL Protocol 97 (Annex VI)	London Convention 72	London Convention Protocol 96	INTERVENTION Convention 69	INTERVENTION Protocol 73	CLC Protocol 76	CLC Protocol 92	FUND Protocol 76	FUND Protocol 92	PAL Convention 74	PAL Protocol 76	PAL Protocol 90	LLMC Convention 76	LLMC Protocol 96	SUA Convention 88	SUA Protocol 88	SUA Protocol 2005	SUA Convention 2005	SALVAGE Convention 89	OPRC Convention 90	HNS Convention 96	OPRC/HNS 2000	BUNKERS CONVENTION 01	ANTI FOULING 01	BALLASTWATER 2004	NAIRIOBI WRC 2007
Australia	x	x	x	x	x	x	x	x	x	x	x	x		x		x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x				x	x	x	x			x	x		x		x		
NZ	x	x	x	x	x	x	x	x	x	x	x			x		x	x	x		x	x	x	x		x		x	x	x			x		x				x		x	x			x	x						
Cook Is	x			x		x	x	x	x	x						x						x				x						x		x				x	x	x			x						x		
Fiji	x	x		x	x	x	x	x	x	x				x							x								x			x		x						x	x	x	x								
Kiribati	x	x		x	x	x	x	x	x	x			x	x	x	x						x	x	x	x	x	x					x		x				x		x	x			x					x	X	
Marshalls	x	x	x	x	x	x	x	x	x	x	x	x		x			x	x		x	x	x	x	x	x	x			x	x	x	x	x	x	x	x		x	x	x	x			x	x						
Nauru																											x													x	x										
FSM														x																										x											
Palau																																								x	x										
PNG	x		x	x			x		x	x				x		x						x	x	x	x		x		x			x		x																	
Samoa	x	x		x	x	x	x	x	x	x				x		x					x	x	x	x	x	x						x		x				x	x	x					x	x		x			
Solomon Is	x			x						x				x													x					x																			
Tonga	x	x	x	x	x	x	x	x	x	x	x	x		x		x	x	x	x	x	x	x	x	x	x		x	x	x	x		x		x	x	x	x	x	x	x	x			x	x	x		x			
Tuvalu	x			x	x	x	x	x	x	x				x								x	x	x	x	x					x	x		x						x									x	X	
Vanuatu	x	x	x	x	x	x	x	x	x	x	x	x		x		x					x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x		x		x	x			x	x		x				

SOLAS,1974

- Generally regarded as the most important of all international treaties concerning the safety of merchant ships.
- The first version was adopted in 1914, in response to the Titanic disaster.
- The SOLAS Convention incorporates the following Codes, Guidelines and Regulations:
  - **ISM** International Management Code for the Safe Operation of Ships and for Pollution Prevention
  - **IBC** International Code for Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk
  - **IGC** International Code for Construction and Equipment of Ships carrying Liquefied Gases in Bulk
  - **ISPS** International Ship and Port Facility Security Code
  - **IMDG** International Maritime Dangerous Goods Code
  - **HSC** The International Code of Safety for High Speed Craft

MARPOL

- Deals with the sources of ship-generated pollution
- There are five annexes outlining specific regulations
  - Annex 1 - Prevention of pollution by oil
  - Annex 2 – Control of pollution by noxious liquid substances in bulk
  - Annex 3 – Prevention of pollution from harmful substances carried by sea in packaged form
  - Annex 4 – Prevention of pollution from sewage
  - Annex 5 – Prevention of pollution by garbage from ships
  - Annex 6 – prevention of air pollution from ships

Torrey Canyon Disaster 1967

STCW

- 1978 Convention
  - prescribes minimum standards related to training, certification and watchkeeping for seafarers on an international level.
  - Important feature: applies to ships of non-party states when visiting ports of states which are party.
- 1995 Convention
  - Places more emphasis on competency than knowledge
    - Stipulates in detail the required competency levels for tasks
    - Hands-on training (simulators, lab training equipment, etc)
  - Verification of implementation process done by IMO – issuance of "white list"

Load Lines,1966

- Outline provisions to determine freeboard and ensure weather tight and watertight integrity of ships
- Three Technical Annexes
  - Annex I – conditions on freeboard / special requirements - ships assigned timber freeboards
  - Annex II – cover Zones, areas and seasonal periods
  - Annex III – certificates, incl International LL Cert
  - Amendments: 1971,1975,1979,1983,1988,1995 and 2003
    - 1988 Protocol – adopt tacit amendment procedure / harmonize surveying requirements with SOLAS,MARPOL
    - 2003 Amendments – comprehensive revision of Annexes

HSC, 1994

- SOLAS – Chapter X – makes HSC Code mandatory (eif in 1996)
- HSC Code applies to: HSC on international voyages / passenger craft
  - Aim to provide safety equivalent to SOLAS and LL
  - HSC must also comply with ISM Code
  - 2000 HSC Code (eif 2002) to go inline with SOLAS amendments

SFV

- Safety of Fishing Vessel a major concern to IMO but difference in design and operation proved an obstacle for inclusion to SOLAS and Load Lines
- 1993 Torremolinos Protocol for the Safety of FV
- STCW – F 1995
- Fishing Vessel Safety Code and Voluntary Guidelines – FAO/ILO/IMO Doc
  - Part A of the Code – provides guidance – fishermen's education and training which can be tailor to local circumstances by national authorities

UNCLOS

- Duties of the Flag State – Art 94
  - Exercise jurisdiction and control in admin, technical and social matters
  - Ensure safety at sea of vessels eg. construction, equip, manning , surveying, qualified crew,
  - To conform with generally accepted international regulations, procedures and practices
  - To investigate every marine casualty or incident

Some Differences

Convention Vessels (>500GRT)

- Maritime Security
  - ISPS Code a must
- IMO Conventions applicable
- P & I Clubs
- Increasing regulations
- Manning
  - Master Class 1
  - Engineer Class 1

Non – Convention Vessels (<500 GRT)

- Maritime Security
  - ISPS Code not applicable
- Domestic law applicable but can adopt ISM, SSM
- Not all have insurance cover
- Safety Regulations not a priority
- Manning
  - Master Class 2
  - Engineer Class 2

Conclusion

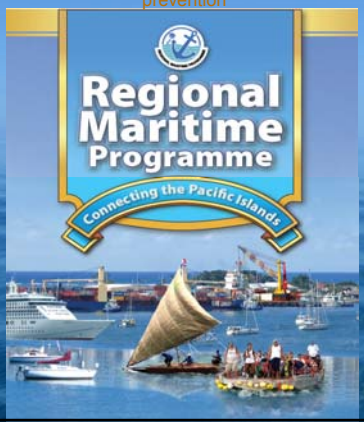
- IMO Conventions set the standards
- IMO recognized issue and in collaboration with RMP produced draft laws under PIMLaws
- Safety is paramount regardless of size and type of ship
- Is what happening in the domestic maritime sector – "tip of the iceberg?"
- Lack of Rule of law and good governance is a clear obstacle
- Political will is needed
- SPC/RMP through PIMLA to assist PICs upon request

Discussion

- Why are some PICs unable to adhere to safety rules?
- How can safety culture be integrated into shipping in contrast to civil aviation?
- Is the regional model law on safety regulations in which PIMLaws utilised appropriate?
- What measures and approach must be put in place to ensure compliance?

DOMESTIC FERRIES AND NON-CONVENTION VESSELS

Limitations on regulatory requirements for safety, security and pollution prevention



Alobi Bomo
MTSO
SPC RMP
IMO Seminar
07 – 11 Dec 2009
Suva

OUTLINE

- Introduction
- Safety on board vessels
- Security on board vessels
- Pollution control on board vessels

Introduction

- Accidents don't just happen, its caused
- Requirement of Non Convention vessels and Domestic Ferries for
  - Safety
  - Security
  - Pollution
  - And etc

Safety Requirements for Domestic Ferries and Non Convention Vessels

- Safety requirements for Non Convention vessels and Domestic Ferries for
  - Fire fighting equipment (PIMLAW –Chap – 7 & 8)
  - Int –Shore Connect – (PIMLAW Annex G)
  - Fixed and Portable fire fighting equipment (PIMLAW Chap-7,8 & Annex K)

Safety Requirements for Domestic Ferries and Non Convention Vessels

- Safety requirements for Non Convention vessels and Domestic Ferries for
  - Life Saving appliances (PIMLAW Chap – 9, Annex N,O,P& Q)
  - Bilge pumps & Emergency Bilge pumps (PIMLAW Chap – 4 & Annex E)

Security Requirements for Domestic Ferries and Non Convention Vessels

- Security requirements for Non Convention vessels and Domestic Ferries for
  - Ship Security Plan
  - Security measures
  - D.A consideration on security Assessment

Pollution control Requirements for Domestic Ferries and Non Convention Vessels

- Pollution control requirements for Non Convention vessels and Domestic Ferries for
  - Oil water Separator
  - Engine Oil Change and storage
  - Gabbage collection facility

Date: 07 Dec 2009
By MTSO

Domestic Ferries & Non Convention Vessels
Limitations on regulatory requirements for safety, security and pollution prevention

Thank you very much Welcome your comments

Date: 07 Dec 2009
By MTSO

National Responsibilities for implementation & enforcement

Calling for maritime players to work collaboratively to address substandard tonnage

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Regional Maritime Legal Adviser
SPC Regional Maritime Programme
Regional Seminar on Operational Safety of Domestic Ferries and Non – Convention Vessels
7 -11 December 2009, Suva, Fiji

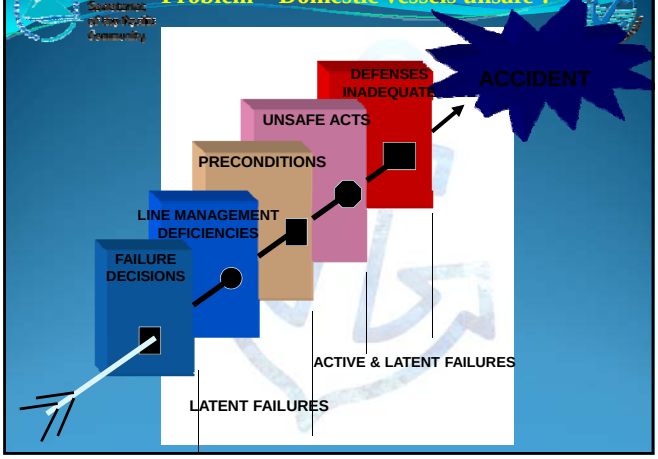
Presentation Outline

- Background
- Problem – domestic fleet unsafe?
  - Reasons' Model – a tool to consider
- What are some of these responsibilities?
- Enforcement of national regulations
- PIMLaws provision on enforcement
- Conclusion
- Discussion

Background

- Success of minimum safety standards by IMO depends largely on national implementation
  - Art VId - SOLAS
  - States cannot do exactly as it pleases – it must take into account principles of international law
- Nationality of ships (LOSC)– gives the States powers in law to regulate shipping
- However, for variety of reasons, regulations are not being enforced or when enforced it is inadequate

Problem – Domestic vessels unsafe ?



Some National Responsibilities

- Ensure maritime safety
- Supervision of surveys
- ISM Code
- Ensure maritime security
- Seafarers' competence standards
- Employment standards
- Casualty investigations
- Movement of ships between flags
- Repatriation of seafarers

National Responsibilities cont -

- Audit scheme
- Consultation with shipowners
- Use of recognized organisation
- Aging fleet
- Port state control

Enforcement of Regulations

- Usually task of relevant Government officials
- Port state control
  - Can this be done for PIC Non Convention vessel visiting another PIC port?
- Flag state duties
- Ship surveys
- Audit training
- Maritime law enforcement
  - Eg. marine checkers

Enforcement Provisions - PIMLaws

- Designation of authority entrusted with enforcement of the Act
- Appointment of other persons for enforcement
- Carrying out random inspections
- Rights and powers of surveyors and inspectors
- Duty of the master to produce certificates to inspector on demand
- Duty of the owner and the master to cooperate with inspections
- Power to detain a ship
- Duty of master to keep detained ship at location indicated by authority

Enforcement Provisions - PIMLaws

- Procedure for detention
- Release from detention
- Power to order the deficiency to be rectified
- Duties of Master if ship is detained abroad

Conclusion

- PICs domestic laws need review
- Legislation provides basis for safer shipping
- Enforcement is lacking and needs change of attitude
- Low priority and lack of funding and political will contributes to ineffective enforcement


SPC
Introduction to the
IMO Model Safety Regulations
for Non-Convention Vessels
By Ian Williams (IMO Consultant) and Heike Hoppe (IMO Staff), Nadi Fiji. 2000


OUTLINE
BASIS FOR ACTION
AGENCIES & THEIR ROLES
SHIP TYPES & SIZES
DEVELOPMENTS IN IMO
SAFETY REGULATIONS FOR NON-CONVENTION VESSELS: THE IMO APPROACH
GENERAL FRAMEWORK FOR DEVELOPMENT OF REGIONAL REGULATIONS


BASIS FOR ACTION
The history of governmental and international involvement in safety is very often the history of tragedies.
- Governments will seldom act unless spurned on by public outrage at some recent catastrophe.
- It is not surprising therefore that much modern legislation on maritime safety can be traced back to the loss of life and property at sea. e.g.
1. TITANIC accident initiated Ice Patrol, Radio Watch-keeping and the SOLAS Convention.
2. DOÑA PAZ in 1987, engaged in Philippines domestic trade, stands as the world's greatest maritime tragedy, with the loss of over 4,300 lives
3. Ferry BUKOBA on Lake Victoria in 1996 with the loss of over 500 lives was the trigger for consideration of new regulations for inland waterways vessels.
4. Fiji vessels KADAVULEVU, MAKOGAI and ULUILAKEBA caused government to take steps to address these issues. This prompted the formation of the Marine Department in Fiji in 1967 and the subsequent consolidation of marine-related legislation under the Fiji Marine Act 1986.

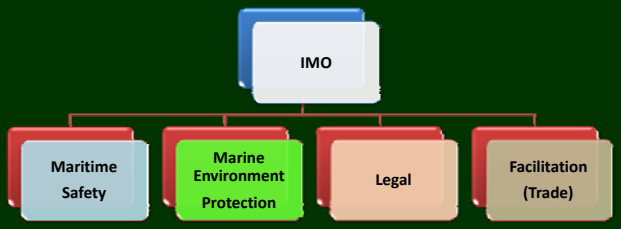

Agencies and their roles
INTERNATIONAL/REGIONAL SECTOR:
Inter-agency Cooperation and Coordination
UN
ILO
IMO
UNEP
PICT - PIF
PIFS
SPC
SPREP
USP
SPTO
4


General Introduction & Background
INTER-AGENCY
COOPERATION AND COORDINATION
UN
IMO
5


PACIFIC ISLAND FORUM
& SIS LEADERS
FORUM LEADERS
SIS TRANSPORT MINISTERS

Agencies and their roles

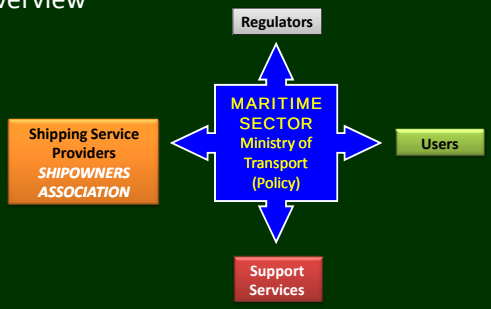
INTERNATIONAL/REGIONAL (MARITIME) SECTOR:
Inter-agency Cooperation and Coordination



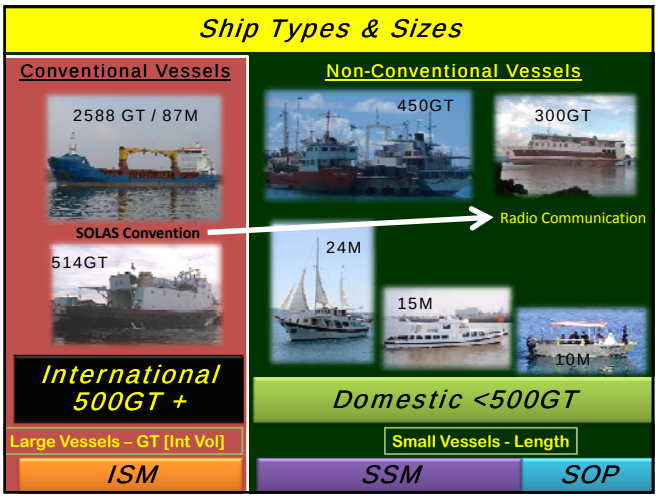
Agencies and their roles

REGIONAL/NATIONAL MARITIME SECTOR:
Inter-agency Cooperation and Coordination

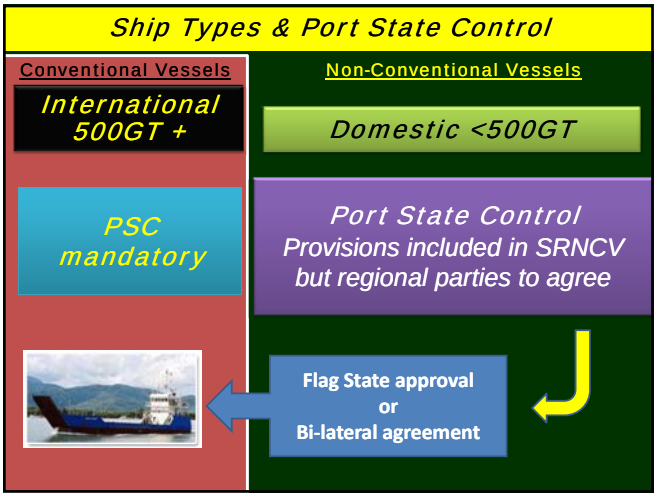
Overview



Ship Types & Sizes



Ship Types & Port State Control



Ship Types & Port State Control

SAFETY REGULATIONS FOR NON-CONVENTION VESSELS

As a guide to Administrations in the application of these Regulations, the following table provides an approximate relationship between length and gross tonnage:

Length (m)	15m	24m	35m	45m
Equivalent Gross Tonnage (GT)	20	150	300	500

LATEST DEVELOPMENTS IN IMO'S TECHNICAL CO-OPERATION PROGRAMME

The SG of IMO expressed his concern:

- at the continual loss of life resulting from casualties involving vessels that are not covered by the international conventions.
- although IMO's technical cooperation programme has gone some way to improving the safety of these vessels, much needs to be done in the future.
- Donors and the international shipping industry asked to assist

Safety regulations for small non-convention vessels was discussed at the 49th session of IMO's Technical Co-operation Committee (November 2000).

- It was agreed that the regional approach used so far, comprising special regional regulations taking into account existing small ship regulations from other areas and paying special attention to the requirements of the countries concerned, had proved to be successful as a model to assist administrations in their adoption of safety measures applicable to this type of ship.

LATEST DEVELOPMENTS IN IMO'S TECHNICAL CO-OPERATION PROGRAMME

- The SG also reiterated his concern over the loss of lives caused by accidents involving small vessels.
  - **which he considered to be an urgent item for IMO to deal with, because a life lost at sea was still a life lost at sea, regardless of the size of the vessel, or whether or not it was engaged in an international voyage.**
- He believed the issue was far too serious for IMO to be prevented from addressing the subject because of the legal scope of IMO conventions.
  - **In this regard, he recalled that he had highlighted the continuing loss of life resulting from casualties involving non-convention vessels and the assistance provided by IMO to improve the safety of such vessels at the seventy-second session of the Maritime Safety Committee.**
  - **He assured the Committee that he would continue to consider favourably all requests for assistance in this field.**
- **Similarly the Pacific Islands Forum Leaders are also concerned resulting in the call for the setting up of a maritime safety programme to carry out safety audits in the region. Hence SPC/RMP's proposed aims & objectives and the implementation of ISM and SSM in the region. *(Proposed Maritime Safety Programme & Audits)***

LATEST DEVELOPMENTS IN IMO'S TECHNICAL CO-OPERATION PROGRAMME

- We are optimistic that enhanced safety requirements for non-convention vessels will in time achieve broad acceptance by administrations and industry and be implemented effectively in the region.
- The regulations, if developed in a way that meets the needs of operators and flag States of such vessels, have the potential to achieve major improvements in safety and major reductions in the present regrettable loss of life.
- **It must be recognised that to simply make the regulations available to a country and expect them to be implemented effectively will not achieve this desirable outcome.**
- **With a regulatory framework in place, the regulations must be employed in implementing the provisions in light of the social and economic parameters of each country and then in training those who have to implement them.**

SAFETY REGULATIONS FOR NON-CONVENTION VESSELS: THE IMO APPROACH

INTRODUCTION

- **Principal standards** *(International shipping)* - **IMO conventions.**
- **Internationally agreed rules** *(ship can sail to any port in any country)* **and port States can check.**
- **IMO conventions - for vessels on international voyages**
- **International Convention for the Safety of Life at Sea (SOLAS) applies to:**
  - **all passenger vessels; and**
  - **cargo vessels of over 500 gross tonnage.**
- **SOLAS or Convention Vessels -** *International conventions have contributed to a considerable reduction in accidents to vessels subject to them*
- **Non-Convention Vessels (NCV)** *have had little direct impact by SOLAS – (numerous Accidents)*

SAFETY REGULATIONS FOR NON-CONVENTION VESSELS: THE IMO APPROACH

INTRODUCTION *(continued)*

- **"Non-convention vessels" can include quite large passenger vessels engaged solely on domestic voyages.**
- **Some countries have appropriate legislation - safety standards applying to them are unlikely to be consistent between countries.**
- **There is no commercial incentive to develop internationally consistent regulations** *(hence safety levels reduced).*
- **Generally domestic ship safety regulations do not have the advantage of being developed in an expert, international forum with full knowledge of contemporary developments in approaches to safety.**

SAFETY REGULATIONS FOR NON-CONVENTION VESSELS: THE IMO APPROACH

OBSERVATIONS

- **Availability of information on accidents on NCV and loss of life** - *little hard evidence available.*
- **Despite a lack of objective evidence - a number of serious accidents do occur**
- **High number of accidents and Loss of life -** unacceptable in other types of vessel
- **IMO & SPC/RMP are prevented from taking direct action because of its international mandate** - *hence the most appropriate way to approach the issues was from the technical assistance standpoint.*
- **Technical assistance is an area in which IMO & SPC/RMP have a strong mandate –** *to assist and encourage PICTs to adopt safety standards for smaller vessels on a regional basis.*

GENERAL FRAMEWORK FOR DEVELOPMENT OF REGIONAL REGULATIONS

IMO projects on safety regulations for NCV in the world - *best approached in three phases:*

PHASE 1
- ANALYSIS OF EXISTING DOCUMENTATION - *current national maritime regulations & others involved*
- SELECTION OF SUITABLE INTERNATIONAL REGULATIONS WHICH CAN BE ADAPTED AND MODIFIED - *provide a detailed framework of draft regulations for discussion during sub-sequent fact-finding missions*
- PROVISION OF FRAMEWORK OF DRAFT REGULATIONS - *request feedback and comments*

PHASE 2
- FACT-FINDING MISSIONS TO SELECTED COUNTRIES REPRESENTATIVE FOR THE REGION - *consultations with national administrations to review and resolve any issues arising from the draft regulations*
- REVIEW AND MODIFICATION OF DRAFT REGULATIONS - *based on the conclusions and findings of the fact-finding missions*
- PROVISION OF AMENDED DRAFT REGULATIONS - *requesting feedback and comments*

PHASE 3
- CONDUCT OF REGIONAL WORKSHOP(S) FOR COUNTRY REPRESENTATIVES - *discuss the draft regulations*
- PRODUCTION OF FINAL DRAFT - *based on the outcome of the discussions.*

GENERAL FRAMEWORK FOR DEVELOPMENT OF REGIONAL REGULATIONS

A brief summary of completed and on-going projects on the subject matter implemented by IMO is given below:
- 1993 - 1996 Asean Countries - Public provision for the safety of persons and property transported on water by small, non-convention vessels in rivers, coastal and inter-island operations (RAS/93/034)
- 1998 - 2000 Implementation of the safety regulations for non-convention sized vessels in the Asian region (RAS 98/318)
- 1997 – 2000 Development of common safety and load line regulations for non-convention sized vessels plying in the South Pacific (RAS/97/307)
- on-going Safety standards for inland waterway vessels and non-convention craft, including fishing vessels (RAF/98/109)

IMO has also assisted the Caribbean region, which, through their Memorandum of Understanding on PSC and under the lead of the IMO Regional Maritime Adviser has developed two Codes for small vessels as follows:

- the Caribbean Cargo Ship Safety (CCSS) Code for vessels of 24 m in length and over up to 500 GT
- the Code of Safety for Small Commercial Vessels Operating in the Caribbean Region (SCV Code) for all types of vessels below 24 m in length.

The CCSS Code has been recognized by the US Coast Guard and is actually used by them for the inspection of Caribbean cargo vessels.

SAFETY OF INLAND WATERWAYS VESSELS

ASIA
- A number of Asian countries, meeting under the auspices of ESCAP and IMO and with the support of the **Japan Transport Cooperation Association, have indicated that the harmonized Asian regulations described above would be suitable for application to inland waterways vessels** operating within their jurisdictions, but with some amendment.
- A number of regulations were deemed inappropriate, including those dealing with:
  - watertight bulkheads and decks;
  - steam boilers;
  - fire pumps;
  - radio communications; and
  - a number of load line related provisions designed for seagoing vessels.

- In addition it was agreed that somewhat different requirements would be appropriate in the case of:
  - fire extinguishing systems and structural fire protection;
  - carriage of dangerous goods; and
  - load lines marks.
- No feedback has been received on whether the development of such regulations for inland waterways vessels has been further considered.

SAFETY OF INLAND WATERWAYS VESSELS

AFRICA
- IMO promised early short term and long term action on the issues and a number of seminars and workshops have been held.
- **Kenya, Uganda and Tanzania entered into the Tripartite Agreement on Inland Waterway Transport in 1998**, which lays down principles relating to safety regulation of inland waterways vessels.
- IMO, as part of its technical cooperation programme, has recently commissioned an initial draft of model safety regulations for inland waterways vessels for discussion and consultation with African countries later in 2001.
- **Countries likely to be involved in these consultations range geographically from South Africa to Nigeria.**
- It is inappropriate to discuss the regulations in any detail here, prior to their consideration by the countries concerned.
- However, it can be said that they are **based on the EC regulations for inland waterways vessels, amended as appropriate to account for African conditions.**
- The draft incorporates existing regulations of many of the countries concerned, as well as small vessel regulations from other sources where particular aspects of the model are deemed to be in need of enhancement.

THE HARMONIZED ASIAN REGULATIONS - 1

These regulations were developed on the instructions of the SG of IMO **to form the basis for a regional safety standard for vessels and barges below the size to which the international conventions apply,** engaged in local, coastal or regional voyages in the region.

The regulations were designed to take into account elements, relevant to smaller vessels, of the standards and requirements of the principal international conventions, namely:

- **The International Convention for the Safety of Life at Sea (SOLAS), 1974;**
- **The International Convention on Load Lines (LL), 1966;**
- **The International Convention on Standards of Training, Certification and Watchkeeping of Seafarers (STCW), 1978/95; and**
- **The International Regulations for Preventing Collisions at Sea (COLREG), 1972.**

THE HARMONIZED ASIAN REGULATIONS - 2

The standards are supplemented by footnoted references to a number of IMO resolutions to provide technical standards and guidance on applying the regulations.

In some cases, because:
- ***of the size of the vessels in question and***
- ***they usually trade in less hazardous waters or in inland waterways,***

the importance of their safety and that of their crews has often received less emphasis than the safety of larger ocean-going vessels in international trade.

THE HARMONIZED ASIAN REGULATIONS - 3

ACCORDINGLY IT WAS AGREED TO ADOPT THE PROPOSAL ON THE BASIS THAT:

- **THE REGULATIONS SHOULD APPLY TO CARGO VESSELS AND BARGES;**
- **THE REGULATIONS SHOULD APPLY PRINCIPALLY TO NEW VESSELS.** *However, administrations could apply the standards specified in the Regulations to existing vessels, as far as was practicable and reasonable; and*
- **AN ADMINISTRATION SHOULD BE ABLE TO PERMIT A SHIP DESIGNED TO A LOWER STANDARD THAN THAT SPECIFIED IN THE REGULATIONS TO OPERATE ON CERTAIN OR RESTRICTED VOYAGES**. *Such vessels should, however, comply with the safety requirements that the administration considers adequate for the intended voyage and the overall safety of the ship and personnel on board.*

CARIBBEAN REGULATIONS

The Caribbean countries agreed that the draft regulations initially developed for Asia provided a suitable basis for their own regulations.

- In general terms, the provisions of the Caribbean Code follow those outlined above, including its application to cargo vessels having a length of 15m and over.
- However, they are organised in quite a different way, having two broadly-base construction chapters.
  - The first deals with construction, subdivision, stability, machinery and electrical and
  - the second with fire protection matters.
- Otherwise the framework is similar, but the detail departs from the Asian model in a marked manner in some areas.

CARIBBEAN REGULATIONS

- Specific freeboard requirements are set as follows:
  - Length 15m 20m 24m
  - Freeboard 340mm 375mm 400mm
  - These values are of the order of two or three times those given by the equation in the Harmonized Asian regulations above.
  - This may reflect a more conservative view on safety in line with the freeboard assigned to vessels under existing regulations.
- In addition, a minimum bow height is specified as: the value from regulation 19 of the LL , without the Cb correction.
- The height of coamings of door sills, ventilators and hatches is dependent upon whether the vessel is certificated for trading on the *high seas or in sheltered areas.*
- Life-saving arrangements for vessels operating in restricted areas may be met by the provision of lifebuoys and floats
- **Communications,** the administration is given a significant role in determining the extent to which vessels need to fit GMDSS-capable equipment.

CARIBBEAN REGULATIONS

- Detailed technical specifications for certain required radiotelephone installations.
- EPIRB operating on VHF Channel 70, with location by means of a radar transponder.
- Perhaps the most significant departure from the Asian model lies in the requirement for a comprehensive, 20-page record of equipment and ship information. This is most important.
  - As vessels age, much of the original information from the builder is reported to disappear each time a vessel changes owner.
  - The detailed record of equipment will provide owners with valuable, up-to-date information on a vessel throughout its life and will assist administrations and surveyors
- **Following completion of the regulations it was determined that a standard was needed for smaller non-convention vessels.**
  - Regulations were developed, that have their origins in relevant US & UK regulations.
  - The Code is a less complicated standard, consistent with the vessels for which it was developed.

PACIFIC REGULATIONS

BACKGROUND

- **The safety of small vessels in Pacific Island countries (PIC) has been regulated by national regulations based:**
  - **on either regulations existing before their establishment as independent countries or**
  - **on the South Pacific Maritime Code (SPMC).**
  - **The latter was developed in the early 1980s with objectives similar to those leading to the development of the harmonized Asian regulations.**
- For convention vessels it specified that the relevant regulations of the conventions applied.
  - **A country adopting the Code into its legislation could thus give effect to international standards by mutual agreement, regardless of whether or not it was party to the relevant conventions.**
- For non-convention vessels the provisions of the Code relied heavily on standards drawn from the Australian Uniform Shipping Laws (USL) Code:
  - **in some cases such requirements were spelled out in the SPMC and in others the provisions of the USL Code were called up by reference.**
- **However, such broad application of standards developed elsewhere in a different legislative and operational environment did not necessarily provide appropriate safety standards for non-convention vessels in the local scene.**

Pacific Islands Maritime LAWS

PIMLAWS
[Set of Pacific Islands Maritime Laws]

Safety Regulations for Non-Convention Vessels operating in the Pacific

Introduction to the IMO Model Safety Regulations for Non-Convention Vessels

- BASIS FOR ACTION
- AGENCIES & THEIR ROLES
- SHIP TYPES & SIZES
- DEVELOPMENTS IN IMO
- SAFETY REGULATIONS FOR NON-CONVENTION VESSELS: THE IMO APPROACH
- GENERAL FRAMEWORK FOR DEVELOPMENT OF REGIONAL REGULATIONS

THANK YOU FOR YOUR TIME

PACIFIC REGULATIONS

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- However, such broad application of standards developed elsewhere in a different legislative and operational environment did not necessarily provide appropriate safety standards for non-convention vessels in the local scene.

PACIFIC REGULATIONS

BACKGROUND

- When IMO became involved in the development of a new (or supplementary) regulatory regime, the aim was ***TO ENSURE THAT ALL VESSELS IN PACIFIC ISLAND TRADE WERE SEAWORTHY FOR THEIR INTENDED VOYAGES IN TERMS OF THEIR SIZE, MISSION AND AREA OF OPERATION.***
  - This was to be achieved in the context of:
    - the special needs of the people of the region and
    - the overwhelming importance of sea transport to economic, social and cultural aspects of life in the region.
  - The need for development of a common set of standards, acceptable to PICs as a whole, is heavily influenced by the geography of the region.
  - Many domestic inter-island voyages would represent a major international voyage in other parts of the world and some inter-island voyages in the Pacific region are longer and potentially more hazardous than many intercontinental voyages.
  - This perspective was to be influential in determining the scope of application of the new regulations.

PACIFIC REGULATIONS

FEATURES OF THE PACIFIC REGULATIONS

- The vessel safety regulations described here form a part of the broader regulatory review being coordinated by the Secretariat of the Pacific Community (SPC) to bring up to date the maritime-related regulatory regimes of Pacific Island countries.
  - Many of the Pacific vessel safety regulations, as a starting point, follow the regulations developed by Asian countries and described above.
  - However, in order to reflect the requirements of PICs a considerable amount of additional material was required to be developed.
  - One source of reference for such material was the Caribbean Code.
- It was agreed at the outset
  - that the safety of the life of seafarers and passengers was of primary importance, particularly when considering the potentially hazardous nature of many of the voyages undertaken in the region by trading and fishing vessels as a matter of course (and as a matter of necessity).
  - that the scope of the regulations should be extended to include passenger vessels.
  - that the normal differentiation between cargo and passenger vessels derived from SOLAS (the carriage of a maximum of 12 passengers on cargo vessels) was not appropriate for the region.

PACIFIC REGULATIONS

FEATURES OF THE PACIFIC REGULATIONS

- This conclusion was largely based on the importance of interisland sea transport to economic, social and cultural aspects of life in Pacific Island countries and the need to effectively use all relevant transport resources, given the relative scarcity of vessels to meet these demands.
  - It was therefore agreed that cargo vessels should be permitted to carry passengers, subject to special consideration of the safety of the vessel and the conditions upon which a voyage with passengers should be permitted.
- The application of the regulations to passenger vessels necessitated higher standards of intact stability and the provision of life-saving and other safety equipment.
  - It led to the development of subdivision and damage stability requirements based on those of the IMO High Speed Craft Code.
  - However, it was agreed that, while such standards were appropriate for new, purpose-built passenger vessels, there was a need to recognize in the regulations the reality that important trade, social and cultural activities would require that passengers should continue to be carried on board cargo vessels.

PACIFIC REGULATIONS

FEATURES OF THE PACIFIC REGULATIONS

- Accordingly, a category of ***"cargo-passenger ship"*** was defined
  - **that meets the basic standards of construction and equipment of cargo vessels**
  - **but requires higher standards in the area of intact stability, lifesaving arrangements and communications equipment.**
- Given the extensive distances in the Pacific, and the consequent cost of providing communications infrastructure, one of the most difficult areas in which to develop consistent standards was that of communications.
  - **Few operators of PICs are able to afford a full fit of the radio equipment necessary to meet the SOLAS requirements for vessels sailing in a GMDSS A3 sea area.**
  - **Accordingly, it was agreed that the regulations should specify, for new vessels 24m in length and above, a basic communications equipment to be fitted dependent upon the sea area proclaimed by each Government.**
  - **Existing vessels would need to be similarly equipped in accordance with an agreed phase-in period.**
  - **The requirements for smaller vessel are an EPIRB, a radar transponder and distress communication equipment *depending on the proclaimed sea area* in which the vessel operates.**

PACIFIC REGULATIONS

FEATURES OF THE PACIFIC REGULATIONS

- **A further important departure from the harmonized Asian regulations was the agreement that the regulations and any necessary supporting standards should be available, as far as possible, in a stand-alone document.**
- **To meet this need, a number of technical annexes were developed to amplify the requirements of the regulations, using standards drawn from IMO instruments and resolutions and from the USL Code.**
- **A complication here is that many of the technical standards will not be available in a final form until the conclusion of an extensive exercise currently being carried out in Australia to update the USL Code standards in the form of the new *National Standards for Commercial Vessels.***

The *Safety Regulations for Non-Convention Sized vessels*

PRINCIPAL CONTENT OF THE NCV REGULATIONS

1. Applicable to **vessels over 15m in length;**
2. **Survey and certification, based on SOLAS principles** (a major survey every five years and an annual inspection, **including provision for port State control *(although without any agreement on the important issue of who might become parties to such an arrangement);***
3. **construction requirements** include provision for a collision bulkhead and watertight bulkheads, anchors, towing arrangements and general accident prevention measures;
4. **stability requirements,** based on IMO standards;
5. simple **bilge pumping** provisions;
6. **machinery requirements,** based heavily on the principal SOLAS regulations, including steering gear and engine room/bridge communications;
7. **electrical requirements** again lean heavily on SOLAS, with main and emergency sources of power being close to international standards;
8. **fire protection arrangements** cover fire mains, pumps and nozzles, portable extinguishers and fixed systems complying with SOLAS Chapter II-2, with the proviso that standards for vessels of less than 24m could be somewhat relaxed in relation to fire pumps and fixed systems;

The *Safety Regulations for Non-Convention Sized vessels*

PRINCIPAL CONTENT OF THE REGULATIONS

9. **fire safety measures** include structural fire protection, means of escape, ventilation control and arrangements for oil tanks;
10. **life-saving appliances** and arrangements similar to those of SOLAS and the LSA Code;
11. **radio communication requirements** follow those of SOLAS in requiring equipment to interface with the Global Maritime Distress and Safety System;
12. **navigation safety requirements** include the normal SOLAS provisions for danger and distress messages and signals and the carriage of compasses and nautical publications;
13. **manning provisions** encourage administrations to adopt safe and efficient manning in line with the relevant IMO standards;
14. the regulations give effect to the **IMO Code for special purpose vessels**;
15. provisions dealing with **load line matters** followed the Load Line Convention (LL) in matters such as hatchways, doors, hatch coamings, air pipes, guard rails, freeing ports and ventilators;
16. basic **freeboard calculationis set**, with corrections to be made in accordance with LL;
17. **environment protection is to follow MARPOL 73/78,** where reasonable in terms of the service and size of the ship.

Way Forward

- Further action is in the hands of the involved countries.
- If approved, each State would adopt and implement the regulations into its national maritime legislation.
- States are expected to enforce the provisions of the regulations as intended.

Types of vessels not covered by model non-convention ship regulations

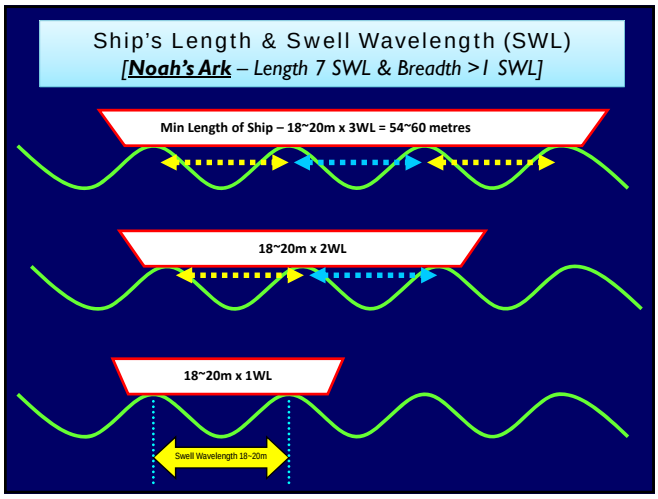
THE PROVISIONS OF THE REGULATIONS SHALL NOT APPLY TO:

(a) vessels of war and troop vessels;
(b) vessels and barges less than 15 metres in length *(PIMLAWS – 24m);*
(c) pleasure craft not engaged in any activity with pecuniary benefits;
(d) fishing vessels; and
(e) wooden vessels of primitive build.

10m

15m

24m



Managing their safety

INTERNATIONAL CONVENTION & NATIONAL LEGISLATION

- THE ROLE OF THE FLAG STATE
- THE ROLE OF THE ADMINISTRATION
- THE ROLE OF THE COMPANY
- THE ROLE OF THE MASTER
- THE ROLE OF THE PILOT

"No transfer of responsibility"

Adam → *Eve* → *Serpent*

VIP: The Industry needs to promote professionalism & improve public perception of the maritime/shipping sector e.g. Aviation. We ignore it at our own peril.....HIGH COST OF SHIPPING

Managing their safety

THE ROLE OF THE FLAG STATE

- The flag state, as defined by the United Nations Convention on the Law of the Sea (UNCLOS), has
  - overall responsibility for the implementation and enforcement of international maritime regulations for all ships granted the right to fly its flag;
  - the flag state may conduct the larger part of its activities through entities located in other countries.
- Most national maritime administrations have other roles,
  - in their capacity as port and coastal states, which may involve the enforcement of regulations with regard to visiting foreign ships.
  - in the context of the regulation of shipping, it is a nation's role as a flag state that is the first line of defence against potentially unsafe or environmentally damaging ship operations.
- Flag states also have responsibility for the implementation and enforcement of rules adopted by other intergovernmental bodies, including:
  - the International Labour Organization (ILO) - ILO governs standards of seafarers' employment.
  - the International Oil Pollution Compensation (IOPC) Fund - The IOPC Fund ensures that victims of any major maritime oil pollution incident receive adequate compensation without undue delay.

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Managing their safety

WHY FLAG STATE PERFORMANCE IS IMPORTANT

- The owner of a high quality fleet, operated under one or more flags to a uniform standard in full conformity with international requirements, might well ask why the performance of the flag is relevant to his operation.
- Since a shipping company has primary responsibility for the safety of its vessels, a ship's quality should ultimately be judged on an individual basis.
- Indeed, excellent ships may be registered with less effective flags, while some well-administered flags may have some less satisfactory tonnage.

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Managing their safety

FLAG STATE RESPONSIBILITIES

- Infrastructure
- A flag state should clearly have sufficient infrastructure, in terms of qualified and competent staff, offices and equipment, to meet its obligations under international treaties.
- Different flags have different approaches, e.g. staffing may depend on the extent to which flags delegate certain functions to bodies such as classification societies.
- But if a flag state does not appear to have separate inspection or crewing departments, for example, it is possible that the flag's only effective function may be the collection of registration fees.

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Managing their safety

THE ROLE OF THE SHIP'S MASTER

- **The Master of a ship is responsible, in law, for the safety of that ship and all aboard her.**
- **Although the Master is a servant of the company, the agreement governing the employment of the crew is between the crew members and the Master, not the shipping company, which ultimately pays the wages.**
- It is the name of the Master that will appear on all the documents that relate to the ship and her current voyage.
- **His, in law, is the ultimate authority for that vessel and he is responsible to the flag state for compliance with its maritime regulations**.

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MANAGING THEIR SAFETY

Pacific Maritime Administrations often use codes and guidelines to manage their vessels e.g.: Fiji:

- Convention Vessel (CV) – IMO Conventions as incorporated by Fiji Marine Act 1986 (Over 500 GT)
- Non-Convention Vessel (NCV) - Fiji Maritime Code (vessels more than 10 metres to 500 Gross tonnage).
- Not covered by NCV - Small Craft Code (vessels less than 10 metres).

NOTE:

- *the proposed implementation of ISM/SSM/SOP; and*
- *the proposed plan to audit domestic vessels*

Adaptation of IMO Model Safety Regulations for Non-Convention Vessels

1. Pacific Regulations
2. Safety Regulations for non-convention size vessels
3. Types of vessels not covered by model NCV regulations
4. Managing their safety

Thank you for your time

SPC Secretariat of the Pacific Community

THIS IS IT

Safety Regulations for Non Convention Vessels

Tufuga Fagaloa Tufuga
Regional Maritime Legal Adviser
SPC Regional Maritime Programme
Regional Seminar on Operational Safety of Domestic Ferries and Non – Convention Vessels
7 -11 December 2009, Suva, Fiji

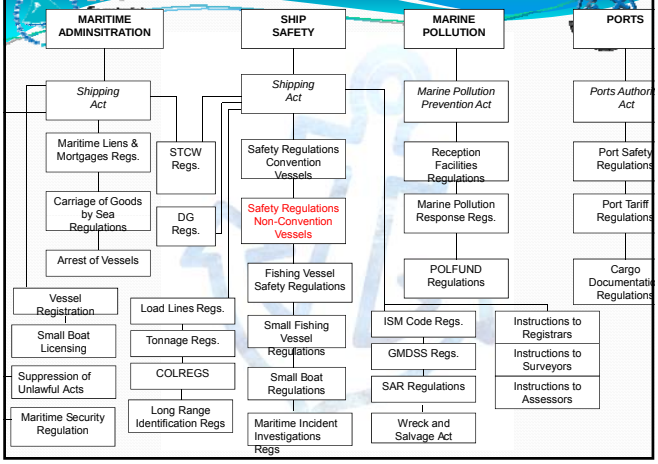
Presentation Outline

- Background
- PIMLaws
- Safety Regulations for Non Convention Vessels
- Status of Implementation by PICs
- Marine Inquiries
- Lessons learnt
- A way forward – dialogue through shipping policy
- Conclusion

Background

- IMO Conventions – focus vessels > 500GRT & international voyage
- Regional problem
  - Regional solution
    - Caribbean adopt model law
    - PIMLaws – draft regulations
    - Prevails over South Pacific Maritime Code
- Challenges
  - Aging fleet
  - Costs
  - Competing interests
  - Not a priority
  - Increasing regulatory requirements
  - External factors
  - Conflict between culture and safety rules

PACIFIC MARITIME LAWS (PIMLaws)



Safety Regulations – Non Convention Vessels

- To ensure no legal vacuum
- SPC/RMP initiative supported by IMO is part of overall plan to replace SP Maritime Code with model legislations covering extensive area of maritime law
- Regulations to govern safety issues for vessels not covered by international conventions
- Australia's National Standard for Commercial Vessels (NSCV)is used but technical standards on certain annexes causes delay for full adoption by some PICs
- However, the Regulations already make provision for the acceptance by Administration of alternative technical standards
- Following Conventions are taken into account; (SOLAS),1974 as amended, Load Lines (LL),1966 as amended and (COLREG), 1972,as amended

Safety Regulations – Non Convention Vessels

- Regulations apply to certain type vessels and barges i.e.15m > in length and less than 500GRT, barges > 15m and < than 24m length
- Regulations not applicable to warships, vessels and barges < 15m in length, pleasure craft, fishing vessels and wooden vessels of primitive build
- It is crucial that these regulations are adopted asap as it is more relevant to frequent type of voyages or usage by people within the region

Safety Regulations – Non Convention Vessels

- Chapter 1 – General
- Chapter 2 – Surveys and Certificates
- Chapter 3 – Construction and Equipments
- Chapter 4 – Stability requirements and bilge pumping arrangements
- Chapter 5 - Machinery Installation
- Chapter 6 – Electrical installations

Safety Regulations – Non Convention Vessels

- Chapter 7 – Fire Protection, Fire Detection and Fire Extinction
- Chapter 8 – Fire Safety Measures
- Chapter 9 – Life –Saving Appliances
- Chapter 10 – Radiocommunications
- Chapter 11 – Safety of Navigation
- Chapter 12 – Assignment of Loadlines
- Chapter 13 – Accommodation and general protection measures against accidents

Status of Implementation

- Copies sent to PICs Maritime Administrations
- Varying degree of implementation but disappointing
  - Partial adoption
  - No consideration at all
  - Lack of dialogue between admin and AGO
- Constraints:
  - Lack of capacity / resources
  - Low priority
  - Staff mobility
  - Training fatigue
  - Perception that right solution is from outside rather than inside plus regional expertise

Marine Incidents

- MV Ovalau (2003)
- MV Ashika (2009)
- MV Sealark (2006)
- MV Uenteraoi II (2009)

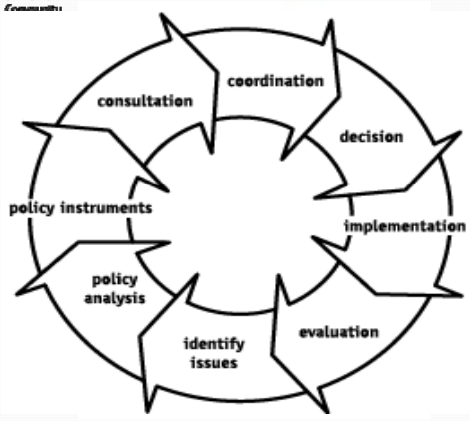
→

- Review of Legislation
  - Heavy penalties / deterrence
    - Amend Marine Incident and Accident Investigations Regulations
  - Procedures incorporating natural justice principles

Lessons learnt

- Effective <u>dialogue</u> amongst all relevant stakeholders
  - Develop shipping policy → regulations drafted
  - Government agencies / regulators must enforce law
  - Ship-owners / masters to fulfill its obligations to provide seaworthy vessels
  - Training of crew is a must for safety and ensure confidence of public
  - Old adage – "an ounce prevention is better than a pound of cure"

A way forward



Conclusion

- Safety Regulations for Non Convention Vessels to be considered and adopted immediately
- Some countries need to have revised principal shipping legislation in first to provide regulation making powers
- Draft generic regulations – (Annexes)has transition provision from one existing standard to another

Thank you

BUILDING A SHIP FROM A CLASSIFICATION SOCIETY VIEWPOINT

The building of a ship requires the combined effort of many people and organizations. This paper will examine the building of a ship from the viewpoint of one of those organizations – the Classification Society. Once an owner has decided to build a ship he will usually specify that it be built to the Rules of one of the recognized Classification Societies.

When an owner first requests that the vessel or structure be classed, the shipyard or design agent presents design drawings and calculations to the Classification Society for a systematic detailed review for compliance with the Rules. Classification Society engineers review the plans to verify that the structural and mechanical details conform to the rule requirements. Their review may also include sophisticated analytical procedures employing one of the many Classification Society computer programs. In this way, the Classification Society is able to determine whether the design is adequate in its structural and mechanical concept and, therefore, suitable for production. During the entire review process the Classification Society is available for consultations with the owner and designer. The plans as approved, usually with some amendments, are then sent out for bids with the understanding that the builder must comply with all of the requirements for Classification as to scantings still to be developed on detail plans, as well as to tests of material, tanks, machinery, piping and electrical equipment. Thus all bidders are on notice that the ship is to be built to recognized standards and as a result, no reduction in price can be made at the expense of the quality or sufficiency of material nor or the workmanship. Likewise, the owners have the assurance that, regardless of the builder, their new ship will be equal to current good practice in every respect. The underwriter, in turn may place confidence in the vessel, knowing that the risk is not out of proportion to that involved in other similar vessels.

...../3

Once a contract is signed, a formal application is made to Classification Society and all essential plans of the hull, machinery, piping, wiring etc., are submitted to the Technical Staff of the Classification Society for approval. Surveyors are assigned to the yard of the builder and copies of all approved plans are sent to them for guidance in checking the actual construction as it progresses. Meanwhile, the shipyard has indicated on its orders to sub-contractors and suppliers that their products are to meet the Classification Society's requirements where applicable. The hull steel, the principal parts of the machinery and boilers and such equipment as anchors and chains are tested and inspected at the manufacturer's plant by other Surveyors. If the boilers or main engines are made outside the shipyard, which is the usual practice today, the units are surveyed throughout their construction and certified by the attending Surveyors. The certification is usually required by the shipbuilder's order to the engine or boiler manufacturer. After a design has been reviewed by Classification Society engineers and found to be in conformance with the Rules, Classification Society field Surveyors, "live with the vessel" at the shipyard from keel laying to delivery to verify that: the approved plans are followed, good workmanship practices are applied, and the Rules are adhered to in all respects. During the construction the vessel built to Class, Classification Society Surveyors witness, at the place of manufacture or fabrication, the tests of materials for hull and certain items of machinery, as required by the Rules.

They also survey the building, installation and testing of the structure and principal mechanical and electrical systems. Throughout the time of construction Classification Society maintains an ongoing dialogue with the owner and shipyard to make sure the Rules are understood and adhered to and also to assist in resolving differences that may arise. The Classification Society staff have the ability to work well with people on all levels.

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While most shipbuilders, manufacturers, contractors and others involved with the building of the vessels to Class have a good working knowledge of the Rules this may not always be the case.

Listed below are examples of areas easily subject to misunderstanding and that Class Surveyors assists in resolving:

a) Welding methods and means of quality control.

b) Requirements for radiography of welds.

c) Arrangements for ensuring that plans are promptly submitted for approval and that all amendments are incorporated into the yard's working drawings.

d) Tank testing requirements.

e) Systems for continuous means of identification of tested materials such as plates, shapes, forgings, castings, fabricated machinery parts, etc.

f) The treatment of components required by the Rules to be built under survey; those built under survey at owner's request; and those which are the builder's responsibility only.

All through the procedure, the Surveyors generally witness tests of such parts as piping system, tanks forming part of the hull, pressure vessels for engine starting air and anything else included in the Rules as necessary to qualify for Classification. In addition, they make continuous inspection of the workmanship of fabrication as it is carried out. This consists largely of the welding of subassemblies and the joining of the subassemblies to form the ship's hull. Components of the machinery are likewise scrutinized as their manufacture proceeds, although some smaller components like valves are accepted on the basis of the manufacturer's guarantee, since it would be economically impracticable to have Surveyors in attendance at the plant of every one of the numerous producers of these items.

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It is frequently stressed that the Surveyors are not inspectors. When they are notified that a tank, for instance, is ready for them to witness under hydrostatic test, it is understood that the shipbuilder's test crew has already tested the tank, found any leaks and corrected them. The surveyor's visit is merely to verify that the builders' quality control is functioning.

When completed, the vessel undergoes sea trials attended by the Classification Society field surveyor to verify that the vessel performs in accordance with rule requirements and to demonstrate the satisfactory operation of machinery, steering gear, windlass, pumping arrangements and electrical equipment.

When the Surveyors are satisfied that all is in order, they issue an interim Classification Certificate, pronouncing the vessel fit for the service intended. The Surveyors' reports are then considered by the Classification Committee, and if in order, classification is assigned by the Committee and Classification Certificates are issued.

Note that throughout this whole procedure the criterion for approval or acceptance is the same : is it required as a condition of Classification? The Classification Society's concern is not whether the ship is economically efficient or conforms to the latest and best practice, or is gold plated, but rather that it complies with the Rules to entitle the ship to be Classed. It is not always easy to differentiate between design and compliance with the Rules. Provision is included in the Rules for approval of scantlings, arrangements or components found to be equivalent to the letter of the Rules.

The owner of the new vessel may be a Greek citizen who lives in London, and a yard in Japan may be the successful bidder but the owner wants some of the machinery to be of American make, and he will register the ship under the flag of Liberia and trade between South America and Australia. This presents no problem for a truly international Classification Society. ...../6

The Rules also provide for Classification Society certification of certain characteristics which are not required in order to obtain Classification, but which the owner may want certified and the fact published in the Record. Among these are Ice Strengthening, RMC (Refrigerating Certified and ACCU (Automation Control Certified Unattended). There are also for example "Requirements for Certification of Construction and Survey of Cargo Gear on Merchant vessels". While this certification is also not required for Classification it assists the owner in meeting requirements of various Government and Port Authorities worldwide that the vessel's cargo gear has been designed and tested to recognized standards.

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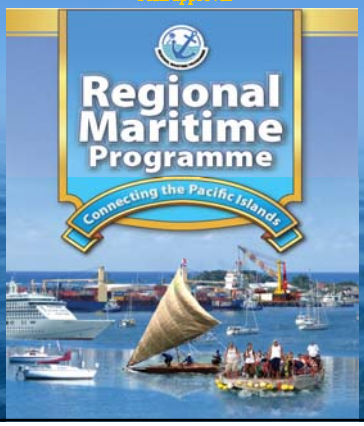
DOMESTIC FERRIES AND NON-CONVENTION VESSELS

Propulsion & Generating Machinery installations, Fire Protection, Equipment approval & Plan approval



Alobi Bomo
MTSO
SPC RMP
IMO Seminar
07 – 11 Dec 2009
Suva

DOMESTIC FERRIES AND NON-CONVENTION VESSELS

Propulsion & Generating Machinery installations, Fire Protection, Equipment approval & Plan approval

Outline

- Introduction
- Machinery Installations
  - PIMLaws –Vol 2,Chap -3 & 5
- Electrical Installations
  - PIMlaws – Vol 2, Chap - 6
- Fire Protection Installations
  - PIMLaws – Vol 2, Chap - 7

Date: 08 Dec 2009
By MTSO

DOMESTIC FERRIES AND NON-CONVENTION VESSELS

Propulsion & Generating Machinery installations, Fire Protection, Equipment approval & Plan approval

Outline

- Introduction
- Machinery Installations
  - Survey Guidelines, Volume 2, Part5
- Electrical Installations
  - Survey Guidelines, Volume 2, Part 6
- Fire Protection Installations
  - Survey Guidelines – Volume 2, Part 9

Date: 08 Dec 2009
By MTSO

DOMESTIC FERRIES AND NON-CONVENTION VESSELS

Propulsion & Generating Machinery installations, Fire Protection, Equipment approval & Plan approval

Introduction

- Introduction
  - Engines commonly used in the region and gear boxes
  - Electrical generation equipment
  - Fire Protection equipment

Date: 08 Dec 2009
By MTSO

DOMESTIC FERRIES AND NON-CONVENTION VESSELS

Propulsion & Generating Machinery installations, Fire Protection, Equipment approval & Plan approval

Propulsion and Machinery installations

- Engines and Gearboxes
  - Engines commonly used in the region and gear boxes
  - Engines Regular Schedule Maintenance
  - Gear Boxes Schedule Maintenance
- Stern tubes systems – oil lubricated and water lubricated stern tubes, maintenance

Date: 08 Dec 2009
By MTSO

DOMESTIC FERRIES AND NON-CONVENTION VESSELS

Propulsion & Generating Machinery installations, Fire Protection, Equipment approval & Plan approval

Propulsion and Machinery installations

- What is Planned Maintenance
  - Plan maintenance is a systematic process of routine schedule for;
    - inspecting, Adjusting and at times may require replacing of parts that show signs of wear
- Good Planned maintenance has a systematic follow-up

Date: 08 Dec 2009
By MTSO

DOMESTIC FERRIES AND NON-CONVENTION VESSELS

Propulsion & Generating Machinery installations, Fire Protection, Equipment approval & Plan approval

Propulsion and Machinery installations

- Engines and Gearboxes controls
  - Engines controls- cable, telegraphic, hydraulic and Pneumatic and etc
  - Gearbox control – cable, pneumatic, hydraulic and etc

Date: 08 Dec 2009
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DOMESTIC FERRIES AND NON-CONVENTION VESSELS

Propulsion & Generating Machinery installations, Fire Protection, Equipment approval & Plan approval

Propulsion and Machinery installations

- Steering Systems
  - Manual
  - Electro-hydraulic

Date: 08 Dec 2009
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DOMESTIC FERRIES AND NON-CONVENTION VESSELS

Propulsion & Generating Machinery installations, Fire Protection, Equipment approval & Plan approval

Generation & Machinery installations

- Electrical Generation plant
  - Engine
  - Generator
- Switchboard
  - Earth lamp
  - Switchboard instruments
- Regular plan maintenance for Electrical equipment

Date: 08 Dec 2009
By MTSO

DOMESTIC FERRIES AND NON-CONVENTION VESSELS

Propulsion & Generating Machinery installations, Fire Protection, Equipment approval & Plan approval

Emergency Equipment

- Emergency machinery
  - E/Steering system
  - E/Lighting
  - E/Power supply
  - E/controls

Date: 08 Dec 2009
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DOMESTIC FERRIES AND NON-CONVENTION VESSELS

Propulsion & Generating Machinery installations, Fire Protection, Equipment approval & Plan approval

Fire protection equipment

- Fire Protection Equipment
  - Smoke /Heat detectors
  - Fire fighting equipment, portable & fixed installations
  - Fire alarm or whistle
  - Fire escape routes
  - Emergency fire pump(s)
  - Emergency fire Plan

Date: 08 Dec 2009
By MTSO

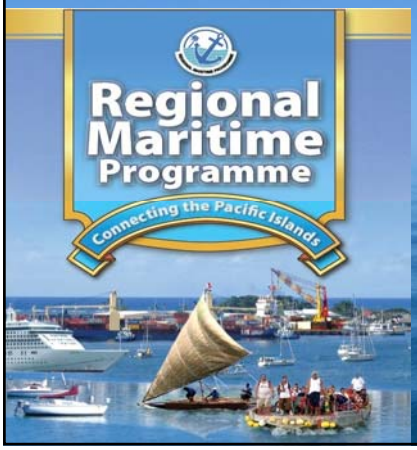
DOMESTIC FERRIES AND NON-CONVENTION VESSELS

Propulsion & Generating Machinery installations, Fire Protection, Equipment approval & Plan approval

Thank you very much
Welcome your comments

Date: 08 Dec 2009
By MTSO

Life-saving Appliances



IMO Regional Seminar on Operational Safety of Domestic Ferries and non-Convention Vessel

Capt Hakaumotu Fakapelea
7-11 Dec 2009 Suva, Fiji

2.Outline

Life-saving appliances

1. Application and general requirement
2. Approval of life-saving
3. Personal life –saving appliances
4. Manning and survival procedures
5. General Emergency alarm
6. Survival Craft
7. Operation and readiness, maintenance and inspection
8. Conclusion

3.Life saving appliances

Application and general requirement

- Existing vessels shall be compliance with recognize standards and additional Life-saving shall be fitted as required by the Administration.
- Life-saving on existing vessels
  - Life jackets
  - Lifebuoys
  - Radar transponders
  - Liferafts and hydrostatic release units
  - Locating equipment specified under the GMDSS
- Equipment other than, Its Administration calls

4.Life-saving appliances

Approval of Life-saving appliances and arrangement

- Administration
- Other Administration
- Classification societies, decided by the Administration

Novel Life-saving appliances and arrangement are to be approved provided the same safety standards and the test in accordance with the recommendations of the Organization. (MSC.81(70)

Communication equipment -by vessels and barges

- **4/4** – rocket parachutes and hand-held distress flares, the Administration accept handheld flares in lieu of parachutes take in the natures of the voyage.

5.Life saving appliances

Personal life-saving appliances:

Every vessel and manned barge

- 24m and above – at least 4 lifebuoys
  - 2 lifebuoys self activating smoke signal and capable to release from bridge
  - Life jackets every person fitted with retro-reflective tapes and provided with whistle
  - Passenger and cargo passenger vessel 10% of children life jackets in addition to 100%
  - Sufficient life jackets for person on watch or on duty
  - kept in unlocked and clear marked dry stowage condition
- less than 24m at least 2 lifebuoys
  - each, self-igniting light and a buoyant lifeline

6.Life saving appliances

Manning and survival procedures

- all crew shall be trained in launching and operating the survival craft
- instruction relating to use of life-saving in appropriate language, muster station should be illuminated.
- drills -once per month – abandon ship and fire drills
- -every 3 months – life boat and rescue boat
- emergency signal with clear instructions, bridge, machinery and accommodation spaces
  - signal alarm for fire on board and
  - when order to abandon ship
- Poster and signs for survival craft for launching controls and boarding procedures

7.Life saving appliances

Manning and survival procedures

- attention of passengers shall be drawn to emergency instruction before the vessel departs on voyage
- on voyage more than 12 hours the use of the lifejackets shall be demonstrated either before the vessel or immediately thereafter.

General emergency alarm system for summoning the passengers and crew

- every vessel, operated from the bridge
- passenger and cargo passenger vessels- public address system to the satisfaction of the Administration

8.Life-saving appliances

Survival Craft

- administration approved number of survival crafts carry one or more and complying with LSA Code, it storage.
- every vessel 24m and up shall carry a rescue boat, life boat can be a rescue boat if life boat comply with requirement and to be readily recovered
- stowage, marking, launching and recovery arrangement
- *embarkation, launching arrangement and emergency lights*
  - Lifeboat and davits launched liferaft can be boarded and launched from the embarkation deck, approved embarkation ladder
  - Means of illuminating the stowage and launching appliances

9.Life-saving appliances

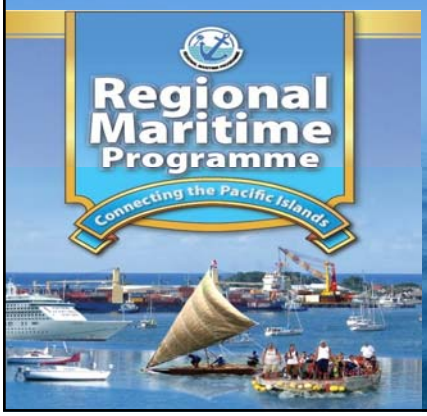
Operation and readiness, maintenance and inspections of life-saving appliances

- All survival crafts shall be visual inspected weekly that they are ready to use
- general alarm system tested weekly,
- life-saving monthly and
- liferaft and rescue boat not more than 12 months

10.Conclusion

1. All Administration should have adequate technical knowledge and resources for testing and approving of Life saving appliance
2. To recognize the work of PIMLA and adopted the Safety Regulation Non-Convention Vessels

Radiocommunications



IMO Regional Seminar on Operational Safety of Domestic Ferries non-Convention Vessels

Capt Hakaumotu Fakapelea

12.Outline

Radiocommunications

1. General Requirement for vessels
2. Radio equipment-carriage requirement
3. Function requirement of marine radio
4. Vessels requirement
5. Watchkeeping requirement, EPIRBs and radio personnel
6. Maintenance requirement
7. Radio Logs
8. Radio personnel
9. Coclusion

13.Radiocommunications

General requirement other than convention vessels

- Global Maritime Distress and Safety System,GMDSS (SOLAS 74)
- International voyage – less 300gt and 24m and above
  - domestic voyage – 300gt and upward and less than 500gt
    - unless expressly provided otherwise
  - Shall not prevent the use by any vessel in distress of any means at their disposal to attract attentions and obtain help.

14. Radio Communications

Radio equipment – carriage requirement		
Type of vessel	Sea areas Proclaimed	
	Sea Area 1 (A1)	Sea Area 2 (A2)
Cargo vessels 24m and above	VHF DSC, SAT(2), EPIRB(1), Portable VHF(2 or 3)	VHF DSC, SAT(2), EPIRB(1), PVHF2,3, MF DSC
Cargo & Passenger	VHF DSC,SART(2),EPIRB(2), Portable VHF(3)	VHF DSC,SART(2),EPIRB(2) Portable VHF(3), MF DSC
Passengers	VHF DSC, SART(2), EPIRB(2) Portable VHF(3)	VHF DSC, SART(2),EPIRB(2) Portable VHF(3),MF DSC
Note: Sea area 3 – SOLAS requirement apply		

15.Radio Communications

Functional requirement of Marine Radio

- Transmit and receiving (two separates independent means)
  - ship-to-shore distress alerts
  - search and rescue communication
  - messages relating to the management and operation of the vessel
  - bridge-to-bridge communications.
  - Receiving shore to ship distress alerts and maritime safety information

16.Radiocommunications

Vessel requirement

- every radio installation that shall not be harmful interference of mechanical and electrical
- permanently arranged electrical lighting for adequate illumination
- clearly marked with call sign, ship station identity and other codes
- control of the VHF radiotelephone channels required for navigational safety shall be arranged so that is ready available

17.Radiocommunications

Watchkeeping Requirement

- continuous distress and safety watch on the appropriate distress frequencies for the relevant sea areas- &
- VHF ch 16 – while at sea a continuous listening
- **Source of energy**
- supply of electrical energy and to charge any battery used and reserved for 12 hrs
- **EPIRB** (406MHZ INMARSAT geostationary satellite services operating)
- easily accessible, manual release, float free and activated manually (121.5MHZ still operated and picked up by the commercial air plane)
- **Radio Personnel**
- qualify personnel for distress and radio communication

18.Radiocommunications

Maintenance requirements

- Radio equipment shall be maintained to ensure effective performance and to meet the recommended performance standards for such equipment
- To be operated and maintained adequate information and instruction, manual instructions shall be provided (Res A.694(17)

Radio Logs

- Log shall be maintained in accordance with the Radio Regulations
- Shall be available for inspection by the authorized officers by the Administration to make such inspection

19.Conclusion

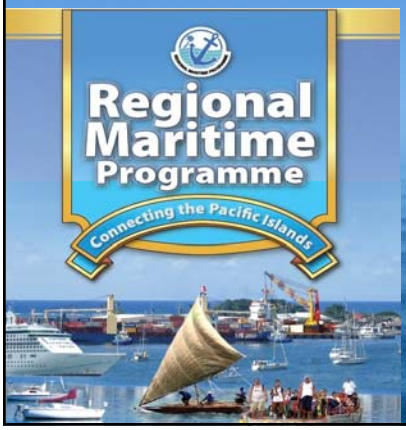
1. All Administration should have adequate technical knowledge and resources for testing and approving of Radio installation onboard
2. To recognize the work of PIMLA and adopted the Safety Regulation Non-Convention Vessels

20.Radiocommunications

Group discussions:

1.

Navigation Aids



IMO Regional Seminar on Operational Safety of Domestic Ferries and non-Convention Vessels

Capt Hakaumotu Fakapelea

22.Outline

1. Equipment aid to navigation
2. Conclusion

23.Navigation Aids

All vessels unless is exempted by the Administration

- standard magnetic compass
- steering magnetic compass properly adjusted & table of deviation and
- spare magnetic compass shall be carried unless gyro compass fitted as steering compass
- Adequate means of communication from standard compass to navigation control(to the Admin satisfaction)
- compass bearing device, means of taking of bearing(360)
- Administration may exempt standard magnetic compass if the nature of the voyage, the proximity to land or a steering compass is fitted with means of taking bearing
- 35m(L) above – 9Ghz radar, may exempt by Admin(equipment fitted is compatible with radar transponder for SAR)

- **Passenger and cargo passenger vessels 24m(L) and above** shall be fitted **gyrocompass** and repeater

24.Navigation Aids

Vessels shall carry Global Positioning System(GPS)

- 24m(L) and above – near coastal, one GPS receiver,
- vessel certificated to carry 100 passengers, two GPS receiver
- unlimited areas of operation shall carry two GPS receivers

- All equipment fitted (navigation aids) shall be a type approved by the Administration. Equipment installed onboard shall conform to appropriate performance standards not inferior to those adopted by the Organization (Res A.694(17), Res A.382(x)MSC.86(70) Res A.477(x11) and MSC.64(67)

25. Conclusion

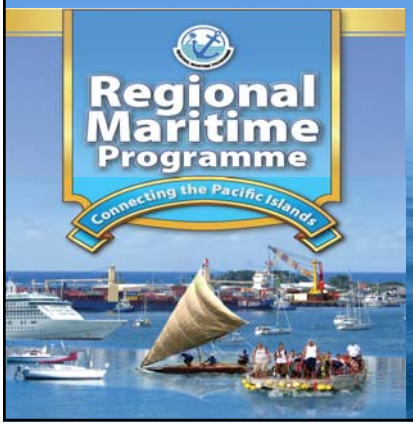
1. All Administration should have adequate technical knowledge and resources for testing and approving of navigations equipment onboard
2. To recognize the work of PIMLA and adopted the Safety Regulation Non-Convention Vessels

26.Navigation Aids

Discussion in group:

1.

Ship Certification and Regulations



IMO Regional Seminar on Operational Safety of Domestic Ferries and non-Convention Vessel

Capt Hakaumotu Fakapelea
7-11 Dec 2009 Suva, Fiji

2. Outline

1. General aspects of inspection, surveys and marking.
2. Surveys
3. Hull inspection
4. Endorsement of the Certificates
5. Compliance with the Regulations and with International Convention
6. Maintenance of condition after survey
7. Issue or endorsement of certificates by another Government
8. Duration, validity of certificates and control

3.Ship certification

General aspects of inspections, survey and marking

- The enforcement of the regulations and the granting of exemptions shall be carried out by the officers of the Administration. The Administration may however entrust the inspection, marking and surveys either to surveyors or the Classification societies
- When a nominated surveyor determines the condition of the vessel or the qualification of the crew is such the vessel is not fit to proceed to sea shall immediately ensure the corrective action is taken and notify the Administration at the earliest opportunity.
- If such corrective action is not taken the relevant certificate shall be withdrawn immediately, if vessel in another country the authorities of the Port State notified immediately
- The officer/surveyor concerned shall ensure the vessel does not sail only for the purpose of proceeding to the repair yard without danger to the person onboard or the vessel.
- Administration shall ensure the completeness and efficiency of the inspection and survey and shall ensure that necessary arrangement to satisfy this obligation are established

4. Ship Certification and Regulations

Surveys						
Years	0	1	2	3	4	5
Months	0	9-15	21-27	33-39	45-51	57-60
Survey type		A	A or I	I or A	A	R
Type of survey R - Renew I - Intermediate A - Annual	All vessels to which the regulation apply subject to survey					

5. Ship Certification and Regulations

Types of surveys:

- **Initial survey** – before the vessel put into services to ensure that arrangement, equipment and system comply with the requirement of the regulations
- **Renewal survey** – shall be carried out at interval not more than 5 years except a renewal surveys is completed and new certificate can not be issued, endorsed the existing cert not exceed one month from the expiry date
- **Intermediate survey** – be carried out three months before the second anniversary date or the third anniversary date of the certificate and shall take the place of one of the annual survey

6. Ship Certification and Regulations

Types of Survey:

- **Annual survey** – shall be carried out within three months before or after each anniversary date of the certificates
- **Additional survey** – shall be conducted after repair resulting from investigations when ever an accident occurs to a vessel or defect is discovered to ensure that all repairs and renewals are effective made
- **Hull inspection** – a minimum of two inspection shall be carried out of the vessel hull including an inspection of the outside of the vessel's bottom during any 5 years period. As far as possible the interval between the two inspection shall not exceed 36 months, one should coincide with the renewal survey

7. Ship Certification and Regulations

Endorsement of certificates

- the intermediate and the annual survey shall be endorsed in the certificates

Compliance with the regulations and with the international Convention

- A vessel complies with International Conventions and any of the regulation, Administration shall ensure that prior to issue of any certificates under the regulations are complied in full

8. Ship Certification and Regulations

Maintenance of condition after survey

- Condition of the vessel and its equipment shall be maintained by the master and the company to comply with the regulation, no change made in the structural arrangement, machinery, equipment and other item covered by the survey
- when an accident occurs to the vessel a request shall be made immediately to the Administration for a survey

9. Ship Certification and Regulations

Issue, endorsement and form of certificates

- a Pacific Vessel Safety Certificates shall be issued under the authority of the Flag States for operating in the Pacific
- shall be supplemented by the Records of Equipment and ship information
- a Pacific Vessel Exemption Certificates shall be issued if is granted by the Administration
- Shall be issued or endorsed either by the Administration, person or organization authorized
- In all cases the Administration shall assume full responsibility for the condition of the vessel and its equipment as attested to by the certificate

10. Ship Certification and Regulations

Issue or endorsement of certificates by another Government

- at the request of the Administration, cause a vessel to be survey are complied, endorse or authorize the endorsement. Any certificates so issued shall contained a statement it has been issued at the request of the Flag State

Duration and the validity of certificates

- a Pacific Vessel Safety Certificate issued for a period as specified by the Administration and shall not exceed 5 years. Exception Certificates shall not be valid for a longer period than the period of the certificate to which is related to
- renewal survey is completed with in three months before the expired date, date of survey to a date not exceed 5 years
- renewal survey completed after the expired date- less than 5

11. Ship Certification and Regulations

Duration and validity of certificates

- Certificates expires is not in a port in which to survey, Administration may extend not more than one month only for completion of voyage to the port of survey
- Certificates issued shall cease to be valid
  - when the surveys and inspections are not completed within the period specified or endorsed
  - If certificate is not endorsed in accordance with this chapter
  - Upon transferred of the vessel to another flag State
- Transferred of ownership between the Pacific Is Countries the former Administration should send copies of certificates, if available, the survey reports if request within 3 months

12. Ship Certification and Regulations

Availability of certificates

- all ships certificates issued shall be available onboard for examination at all time (no photocopy)

Control

- Every vessel with in a country applying the Regulation is subjected to control by duly authorized by such Government ,verified that the certificate issued is proper
- Certificate is ceased to be valid, the officer shall take steps to ensure it does not sail only for repairs purposes
  - Port State shall inform the Administration of the Flag state
- When conducting control, avoid a vessel being detained she shall be entitled to compensation for loss suffered

13. Ship certification and regulations

Form of Pacific Vessel Safety Certificate

- Name of the country, Vessel particulars, Areas valid for
  - Type of vessel and Load Line details, Total number of crew and passengers can carry, Date &place of issued and signatures of authorize officer
- Endorsement for structure, machinery and equipment, inspection of ship's bottom, Life-saving and equipment, radio installation, renewal survey extend the validity and endorsement of anniversary date

Record of equipment and ship information

- Vessel particulars, certificates onboard, issue date and signatures, General, construction, fire protection, life-saving appliances, Radiocommunications, Navigation lights and sound signalling and safe of navigation

14. Conclusion

1. Administrations should have adequate technical knowledge and resources for proper surveying of vessel prior issuing of certificates
2. To recognize the work of PIMLA and adopted the Safety Regulation Non-Convention Vessels

15. Ship Certification and Regulations

Question:

1. Why many certificates found improper as a result of PSC?
2. Hull inspections and flag State surveyors!
3. Refusal to issue or withdrawal of a certificates?
4. Detaining of vessels (Surveyors experiences)

MV Ovalau II & MV Uenteraoi II

A brief overview and some lessons learnt

Tufuga Fagaloa Tufuga
Regional Maritime Legal Adviser
SPC Regional Maritime Programme
Regional Seminar on Operational Safety of Domestic Ferries and Non – Convention Vessels
7 -11 December 2009, Suva, Fiji

Presentation Outline

- Background
- Marine Inquiries
- Lessons learnt
- Conclusion
- Discussion

Background

- It is requirement by law that all maritime incidents are reported and investigated
- Different investigations can happen relatively the same time relating to marine incident
- Royal Commission of Inquiry usually lead to recommendations for Criminal charges and civil action in Court of Law
- Marine Inquiry also lead to changes to maritime / shipping laws

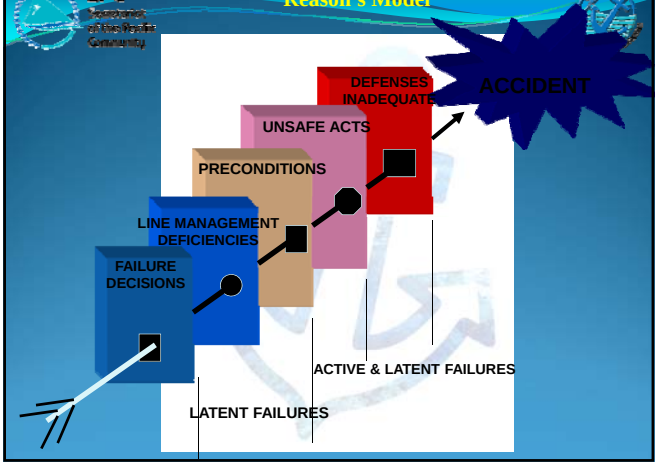
Marine Incident

- MV Ovalau II
  - Built in Japan 1969
  - Patterson Brothers Shipping bought vessel – 1983
  - Type – Roll on / roll off
  - GRT – 941.87
  - Port of registry - Suva
- What happened?
  - 23 August 2003 – a breach opened up in the engine room
  - Another breach appeared No.6 void tank
  - Water came in and crew used tapered pieces of timber and mob heads to stop water
  - Water pumped from engine room to vehicle deck
  - Vessel capsized and sunk
  - No human casualties, only loss of properties

MV Ovalau II continue -

- Findings:
  - Failure of master and crew to contain flooding
  - No precautionary measures in place
  - Vessel not slipped at the actual time
  - Complacency of ship –owner to admit and act upon signs of hull weakness
  - FIMSA – failure to adhere and enforce the law
    - Surveying procedures not used
- Sinking of MV Ovalau II is not "an act of God".
- Reason's Model - analytical tool fits current scenario.

Reason's Model



Marine Incident

- MV Uenteraoi II
  - 15m catamaran
  - Invalid certificates for – trading license & seaworthy
  - Owner – Maiana Catholic Church
  - Powered by 40 hp Yamaha motor
  - 1 CB radio
  - Traveled between Tarawa & Maiana – 23nm

Marine Incident

- What went wrong?
  - Overloading – 50 POB
  - Man overboard - drunk
  - Driver – 17yr old son of owner and incompetent
  - Catamaran broke into 2 pieces as turn around to pick up MOB
  - Weather – moderate seas
  - Life jacket stowage locked!!

Lessons learnt

- Adherence to rules and regulations
- Safety is every persons responsibility
- Encourage dialogue between ship-owners, operators and administrators
- Training of crew is a must to avoid incidents
- There is no room for complacency
- Change of attitude needed

Conclusion

- Lets all make necessary changes for safer shipping
- Marine inquiries give policy directions for government
- Every PIC is a maritime state and therefore maritime interests should be given priority
- Every PIC has constraints but lets do our best with resources we have and work collaboratively with all stakeholders.

DOMESTIC FERRIES AND NON-CONVENTION VESSELS

Regional Maritime Programme

Connecting the Pacific Islands

Alobi Bomo
SPC RMP

IMO Seminar
07 – 11 Dec 2009
Suva

OUTLINE

- Introduction
- SPC RMP and PacMA
- Safety Sub-Committee of PacMA
- Work done by PacMA safety sub-committee

SPC RMP and PacMA

SPC - RMP ⟷ PacMA

PacMA Safety Sub Committee

Safety Sub-Committee of PacMA

PacMA Safety Sub-Committee Members

- SPC-RMP
- Maritime Administrators
- MTI

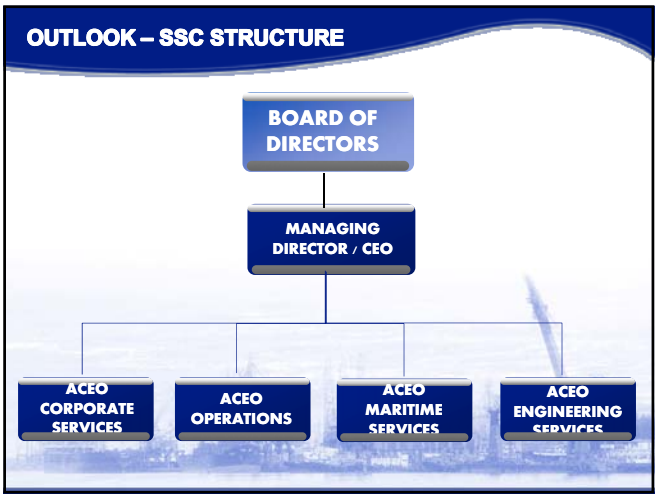
Work done by Safety Sub-committee of PacMA

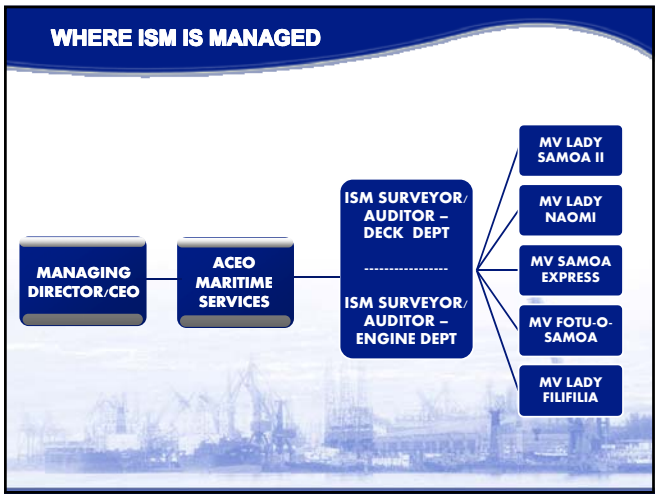
Work done by PacMA Safety Sub-Committee

- Regional Survey Guidelines
- Accident Investification Template`
- Safe Ship Management Template

Thank you very much
Welcome your comments


SAMOA
SHIPPING
CORPORATION
LIMITED
ISM/SSM IMPLEMENTATION
SAMOA SHIPPING CORPORATION
EXPERIENCE
Papalii M Willie Nansen
Managing Director/CEO
SAMOA SHIPPING CORPORATION LTD
IMO Regional Seminar on Operational Safety of
Domestic Ferries and Non-Conventional Vessels
7 – 11 December 2009, Suva, FIJI


OUTLOOK – SSC STRUCTURE
BOARD OF DIRECTORS
MANAGING DIRECTOR / CEO
ACEO CORPORATE SERVICES
ACEO OPERATIONS
ACEO MARITIME SERVICES
ACEO ENGINEERING SERVICES


WHERE ISM IS MANAGED
MANAGING DIRECTOR/CEO
ACEO MARITIME SERVICES
ISM SURVEYOR/ AUDITOR – DECK DEPT
ISM SURVEYOR/ AUDITOR – ENGINE DEPT
MV LADY SAMOA II
MV LADY NAOMI
MV SAMOA EXPRESS
MV FOTU-O-SAMOA
MV LADY FILIFILIA


OUR FLEET
MV LADY SAMOA II
• VESSEL PARTICULARS
LOA 43.3m
Gross Tonnage (Int) 867 tons
LPP 38.6m
Net Tonnage 261 tons
B.Mld 11.5m
D.Mld 3.9m
Crew plus Captain 13 persons
Passengers 480 persons
Draft 2.35m
Speed (Full Load) 11 knots
Reg. No. 0031
Call Sign 5WCK
IMO No. 8802246
Year Built - 1988 (Japan) Classification
- Lloyds Registers of Shipping


OUR FLEET
MV LADY NAOMI
• VESSEL PARTICULARS
LOA 46.5m
Gross Tonnage (Int) 993 tons
LPP 42.0m
Net Tonnage 298 tons
B.Mld 11.4m
D.Mld 3.8m
Crew plus Captain 16 persons
Passengers 220 persons
Draft 2.40m
Speed (Full Load) 11 knots
Reg. No. 0037
Call Sign 5WLN
IMO No. 9195107
MMSI (ID) NUMBER – 561-001-000
Year Built - MAR 1998 (Japan)
Classification - Lloyds Registers of Shipping


OUR FLEET
• VESSEL PARTICULARS
LOA 42.0m
Gross Tonnage (Int) 340 tons
LPP 37.95m
Net Tonnage 130 tons
B.Mld 11.4m
D.Mld 2.743m
DWT 413 tons
Crew plus Captain 12 persons
Passengers 60 persons
Draft 2.18m
Speed (Full Load) 9 knots
Reg. No. 0050
Call Sign 5WCB
IMO No. 8897021
MMSI (ID) Number 561-002-000
Year Built - 1995 (Miri Malaysia)
Classification - Lloyds Registers of Shipping
MV SAMOA EXPRESS

OUR FLEET

MV FOTU-O-SAMOA II

- **VESSEL PARTICULARS**

LOA 39.0m
Gross Tonnage (Int) 299 tons
LPP 36.0m
Net Tonnage 130 tons
B.Mld 10.0m
D.Mld 3.20m
Crew plus Captain 12 persons
Passengers 110 persons
Draft 2.5m
Speed (Full Load) 9 knots
Reg. No. 0063
Call Sign 5WCU
IMO No. 9220756
Year Built - 1995 (Miri Malaysia)
Classification - Lloyds Registers of Shipping

OUR FLEET

MV LADY FILIFILIA

- **VESSEL PARTICULARS**

LOA 23.76m
Gross Tonnage 60 tons
Net Tonnage 30 tons
B.Mld 7.44m
D.Mld 2.0m
Crew plus Captain 10 persons
Passengers 130 persons
Draft 1.4m
Speed (Full Load) 20 knots
Reg. No. 0074
Call Sign 5WLF
Year Built - 2000 (Australia)
Flag - MWTI (Samoa)

OUR FLEET

NEW BUILT - MV LADY SAMOA III

Delivery – 01 Feb 2010

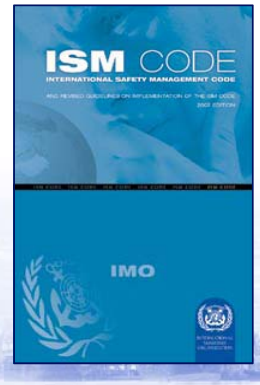
- **VESSEL PARTICULARS**

LOA 46.7m
Gross Tonnage (Int) 1,000 tons
LPP 42.0m
Net Tonnage 261 tons
B.Mld 13.5m
D.Mld 3.9m
Crew plus Captain 13 persons
Passengers 740 persons
Draft 2.35m
Speed (Full Load) 13 knots
Reg. No.
Call Sign
IMO No. .
Year Built - 2009 (Japan)
Classification - NKK

BACKGROUND

CERTIFICATE OF COMPLIANCE

ISM CODE



Purpose

1. ensures the continuous improvement of safety management skills in the maritime industry.
2. ensures a management and communications link between the company and the seafarers on board company vessels.
3. requires company to ensure safe operation of their fleet in accordance with applicable international and flag state requirements

Objectives

1. Safety at sea
2. Prevention of human injury or loss of life
3. Avoidance of damage to the environment, particularly marine environment and the property.

Goals

1. Reducing the occurrence of human injuries and marine casualties.
2. Minimizing environmental consequences attributable to marine casualties

SSC – ISM MANUAL

SAMOA SHIPPING CORPORATION LIMITED

* P.O. Private Bag, Shipping House – Matautu-tai, Apia, Samoa * Phone (685) 20935/20936 * Fax (685) 22352 *
* Email info@samoashipping.com * Website http://www.samoashipping.com *

International Safety Management

Manual

SSC – ISM MANUAL

VOLUME 1
Management Safety Manual

VOLUME 2
Company Procedures Manual

VOLUME 3
Fleet Instruction Manual

VOLUME 4
Shore Based Contingency Plan

VOLUME 5
Shipboard Contingency Plan

INTERNAL AUDITS

Audit Opening Meeting

Documentation check

Ship Equipment Testing

INTERNAL AUDITS

Crew's Questionnaire

Main & Emergency Steering Test

Anchor Chain Thickness Test

EXTERNAL AUDIT BY LLOYDS

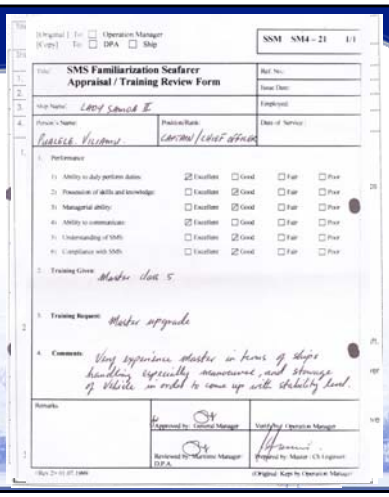
Audit Opening Meeting

Checking & Testing Emergency Fire Pump

Testing Crew's Competency

Tank & Void's Inspection

DOCUMENTATION



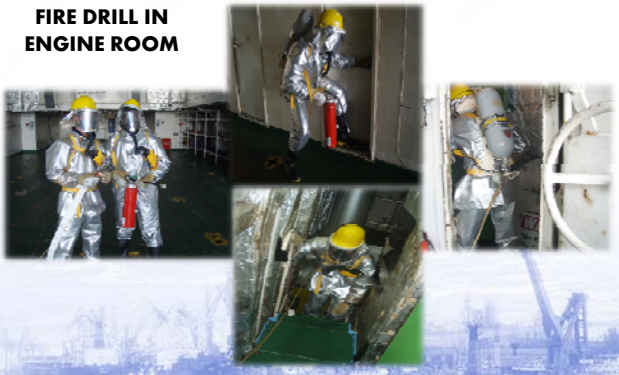
SMS Familiarization Seafarer Appraisal / Training Review Form

SSM SM4 – 21 1/1

ENGINEERING WORKSHOP

SAFETY DRILLS

FIRE DRILL IN ENGINE ROOM



SAFETY DRILLS

FIRST AID DRILL VICTIM IN ENGINE ROOM

SAFETY DRILLS

MAN OVERBOARD DRILL

IMPORTANT MEETINGS

INTERNAL AUDIT CLOSING MEETING

ISM ANNUAL REVIEW MEETING

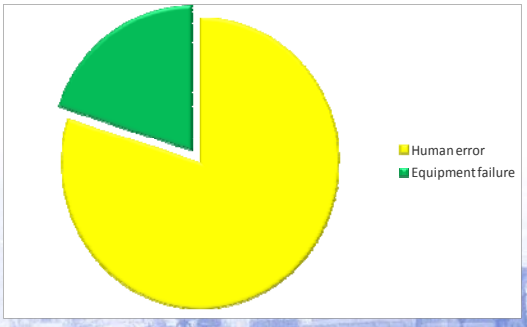
VESSEL DRYDOCKING

LIFERAFT SERVICING & TESTING

ISM AUDIT

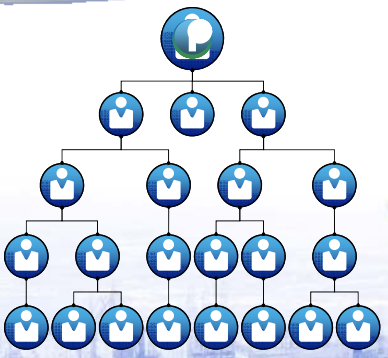
PLEASE LIST OUT THE NON-CONFORMITIES YOU CAN FIND FROM OBSERVING THIS TUG?

CAUSES OF ACCIDENTS



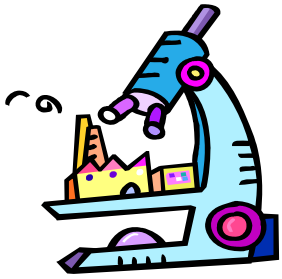
DEVASTATING ACCIDENTS

CONCLUSION



QUESTIONS

MARITIME AUDITS



TAULAPAPA CAPTAIN MASELINO TOMINIKO
REGIONAL MARITIME TRAINING AND AUDIT ADVISER
REGIONAL MARITIME PROGRAMME
SECRETARIAT OF THE PACIFIC COMMUNITY

PRESENTATION OVERVIEW

1. What is Audit?
2. Why Perform Audit?
3. Types of Audit
4. 3 Key Aspects of Auditing
5. Approaches to Audit
6. Audit Program – SPC-RMP/PACMA

BACKGROUND

Definition of Audit:

An audit is a SYSTEMATIC, INDEPENDENT and DOCUMENTED PROCESS for obtaining audit evidence and Evaluating it Objectively to Determine the Extent to which the Audit Criteria are fulfilled

Why Perform Audit :

- To gain certification
- To ensure system exists to enable organization to meet specified requirements
- To ensure existing procedures are followed so that specified requirements are met
- Provide in-depth look at the organization and see where and how it can be improved

Types of Audit

Generally, audit can be classified according to...

WHO is doing the audit and
WHAT the audit covers

TYPES OF AUDIT Cont:

WHO

- internal audit (by us on us)
- external audit (by them on us) – two type 2nd Party (customer) and 3rd Party (Class)
- Joint audit (combined)

WHAT is covered :

- System audit – wide but shallow (big picture)
- Compliance audit – narrow but deep
- Combined audit – two organizations – quality and environment systems

3 KEY ASPECTS OF AUDITING

1. **AUDIT PROCESS**
   - Audit is a form of **inquiry** that is well planned, organised and controlled
   - It is executed in a **logical** and methodical manner
   - It's also meant to be **objective** and **unbiased** (auditor not responsible for the area under audit)
   - It requires key aspects of audit to be put into writing accurate record of audit, including supporting documents
2. **AUDIT EVIDENCE**
   - Comes in various forms - i.e. relevant policy statements, procedure manuals, contingency plans, fleet instructions, code of practice, vessel response plans, PFSP, PFSA etc
   - To gather and evaluate evidence objectively, the auditor makes use of the method **TRINAGULATION,** use of multiple sources and methods to enhance the reliability of audit findings (i.e. Interviews, questioning, observations, inspections, process mapping, process tracing, document review , surveys etc)

APPROACHES TO AUDIT

1. **RISK APPROACH** – AUDITING IS NOT a " ONE SIZE FITS ALL " Every audit is treated as UNIQUE..this approach is used to;
   - Gain a good understanding of the system being audited
   - Looks at the risks facing the system
   - Use these risks to assess key operations and determine audit priorities

An audit that helps the system reduce or remove significant risks to its operation 'ADDS VALUE"

2. **LEARNING APPROACH**
   - Audits are most effective when they help improve the system
   - The key is to use audits to learn not to punish
   - The emphasis is on continuous system improvement
   - Auditor and Auditee as collaborators not adversaries

APPROACHES TO AUDIT cont

3. **PROCESS APPROACH**

> An auditor who takes in the whole process is more likely to develop a better understanding of what works and what doesn't

- The objective is to **identify** those areas that **have significant impact on the system** and how the **performance of various stages** in the **process affect one another**

4. **SYSTEM APPROACH**

> This approach expands the PROCESS APPROACH to include the entire system

> Looks at all major processes and their inter-relationship (challenge to bring different systems (i.e. Safety and security) under a single framework

AUDIT PROGRAM –SPC-RMP/PACMA

Audit Program is a comprehensive system of audits schedule over a specific timeframe and carried out for continued improvement of the management system:

It involves: PLANNING, DOING, CHECKING and ACTING

PLAN – establish audit program

DO – implement the audit

CHECK – monitor and review audit program

ACT – improve the audit program

ALL OF THE ABOVE ARE UNDERTAKEN IN COLLABORATION WITH PACMA'S AUDIT SUBCOMMITTEE

MARITIME AUDITS

...a regional compliance audit system managed by SPC and PacMA

Type of audits offered:

- ISPS Code port audits
- ISPS Code DA audits
- STCW audits on maritime administrations
- STCW audits on maritime training institutes
- Business Excellence audits on organisations
- ISM audits on shipping companies
- Open registry audits
- Supply Chain Security/ISO 28000
- Domestic Ferries & Non-Convention vessels

Auditor training

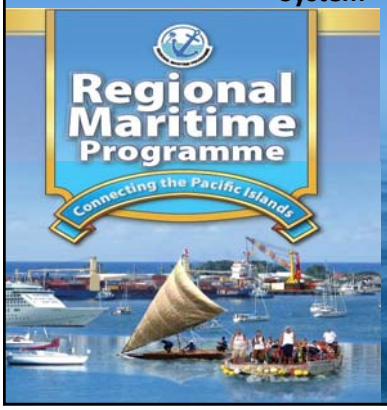
- Basic, advanced, senior, check, BE and refresher courses offered
- 120 Pacific Islanders trained as auditors in 14 PICs

SPC-RMP/PACMA

- **AUDITING STANDARDS** – we are the only maritime region under IMO that have an audit regime in place and also an Auditing Standard that based on International Standard :ISO 19011/2003 (IMO has VIMSAS)
- WHY do we need STANDARDS
  - Need for consistency in approach, process and techniques
  - For training and competence of Auditors
- **AUDITOR LEVELS –** we have four levels of Auditors in the region in accordance with the standards:Auditor in Training (Trainee Auditor); Auditor: Lead Auditor and Check Auditor
- **PACIFIC ISLANDS MARITIME AUDITORS TRAINED TO DATE (1999 to 2009) = 223, Active number of Auditors to date = 120**

ANNEX TO PRESENTATION

Port State Control related to Safety Management System



IMO Regional Seminar on Operation Safety of Domestic Ferries and non- Convention Vessels

Capt Hakaumotu Fakapelea
7-11 Dec 2009 Suva, Fiji

2.Outline

1. Document of Compliance and Safety management Certificates
2. Detail inspection questions
3. Areas of Detention

3.Safety Management System

Port State Control (PSC)relates to ISM

- PSCO should examine the copy of the *Document of Compliance (DOC)*, issued to the company, and the *Safety Management Certificate (SMC), issued to the ship. An SMC is not* valid unless the company holds a valid DOC for that ship type. The PSCO should in particular verify that the type of ship is included in the DOC and that the company's particulars are the same on both the DOC and the SMC.
- A more **detailed inspection** of the Safety Management System (SMS) should be carried out if clear grounds are established.
  - **Clear grounds** may include absent or inaccurate ISM Code certification or detainable or many non-detainable deficiencies in other areas.

4.Safety Management System

When carrying out a more detailed inspection,

- PSCO may utilize the following questions to ascertain the extent of compliance with the ISM Code

.1 Is there a company safety and environmental protection **policy** and is the appropriate ship's personnel familiar with it? (*2.2*)

.2 Is safety management documentation (e.g. **manual**) readily available on board? (*11.3*)

.3 Is relevant documentation on the SMS in a **working language** or language understood by the ship's personnel?

.4 Can senior ship officers identify the **company** responsible for the operation of the ship and does this correspond with the entity specified on the ISM Code certificates? (*3*)

5.Safety Management System

.5 Can senior ship officers identify the "**designated person**"? (*4*)

.6 Are procedures in place for establishing and maintaining **contact** with **shore management** in an emergency? (*8.3*)

.7 Are programmes for **drills and exercises** to prepare for emergency actions available on board? (*8.2*)

.8 How have new crew members been **made familiar** with their duties if they have recently joined the ship and are instructions which are essential prior to sailing available? (*6.3*)

6.Safety Management System

.9 Can the master provide documented proof of his responsibilities and authority, which must include his **overriding authority**? (*5*)

.10 Have **non-conformities** been reported to the company and has corrective action been taken by the company? PSCOs should not normally scrutinise the contents of any Non Conformity Note (NCN) resulting from internal audits. (*9.1, 9.2*)

.11 Does the ship have a **maintenance routine** and are records available? (*10.2*)

7.Safety Management System

- Deficiencies should be recorded in the PSCO's inspection report.
  - inform the flag State of deficiencies found in the SMS.Those deficiencies identified in the SMS, which are defined as major non-conformities in resolution A.788(19), have to be rectified before sailing

Areas which may warrant detention:

- ISM certificates not on board
- Company on the DOC not the same as on the SMC
- Safety Management documentation not on board
- Relevant safety information not in a working language or a language understood by the crew
- Senior officers unable to identify operator and designated person (ship/shore system break down with this)

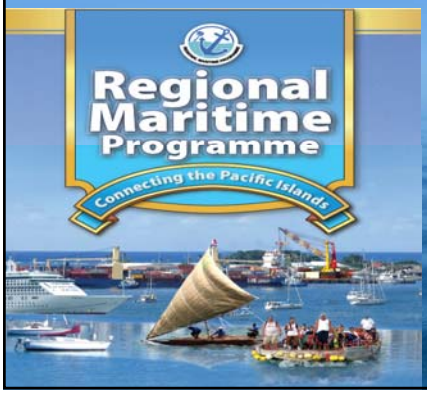
8.Safety Management System

- No procedures to contact the company in emergency situations
- Drills have not been carried out according to program
- New crew members are not familiar their duties within the SMS
- Master's overriding authority not documented and master unaware of his authority
- No records of maintenance kept or no evidence of maintenance being carried out as indicated in the records

9.Conclusion

1. Recommended to take this notes as a guidelines for shipping companies when implementing the Safety Management System.
2. Recommended for Administrations staff to take it as a ISM's Port State Control guidelines

Port State Control, non-Convention Vessels



IMO Regional Seminar on Operational Safety of Domestic Ferries and non-Convention Vessel

Capt Hakaumotu Fakapelea
7-11 Dec 2009 Suva, Fiji

2.Port State Control on N-C/Vessels

Ships of non-parties or below convention size

Ships of non-parties or below convention size shall be given

- ***no*** *more favourable* treatment

Exercising Port State Control

In exercising port State control Parties will **only apply those** provisions of the conventions which are in force and which they have accepted.

DEFINITION

Clear grounds*: Evidence that the ship, its* equipment, or it crew does not correspond substantially with the requirements of the relevant conventions or that the master or crew members are not familiar with essential shipboard procedures relating to the safety of ships or the prevention of pollution

3.Port State Control on NC/Vessels

Deficiency: *A condition* found not to be in compliance with the requirements of the relevant regulations

- ***Detention: Intervention by the*** port State to ensure that the ship will not sail until it can proceed to sea without presenting a danger to ship, persons on board, of environment.

Inspection: A visit on board a ship to check both the validity of the relevant certificates and other documents, and the overall condition of the ship, its equipment, and its crew.

More detailed inspection: An inspection when there are clear grounds for believing that the ship, its equipment, or its crew does not correspond substantially with the particulars of the certificates

4.Port State Control on NC/Vessel

- ***Port State Control Officer (PSCO):*** A person duly authorized by the competent authority of a Party to a relevant convention to carry out port State control inspections, and responsible exclusively to that Party.
- ***Recognized Organization:*** An organization which meets conditions of resolution A.739(18), Delegated by the flag State Administration Provides statutory services and certification of ships entitled to fly its flag.
- ***Stoppage of an operation:*** Formal prohibition against a ship to continue an operation due to an identified deficiency(ies) which, render the continuation of such operation hazardous.

5.Port State Control on NC/Vessels

- ***Valid certificates:*** Issued directly by a Party to a convention and regulation or by a recognized organization. Contains accurate and effective dates. Meets the provisions of the relevant convention and regulations and with which the particulars of the ship, its crew and its equipment correspond.

Port State Inspection In accordance with the provisions of the applicable conventions, Parties may conduct inspections by PSCOs of foreign ships in their ports.

- Such inspections may be undertaken on the basis of:

1.the initiative of the Party

2. the request of, or on the basis of, information regarding a ship provided by another Party;or

3. information regarding a ship provided by a member of the crew, a professional body, an association, a trade union or any other individual with an interest in the safety of the ship, its crew and passengers, or the protection of the marine environment

6.Port State Control on NC/Vessels

- They should be made aware that under the applicable conventions and regulations foreign ships are subject to port State control, including boarding inspection, remedial action, and possible detention, **only by officers duly authorized by the port State. This authorization of PSCOs may be a general grant of** authority or may be specific on a case-by-case basis
- All possible efforts should be made to avoid a ship being **unduly detained or delayed.** If a ship is unduly detained or delayed, it should be entitled to compensation for any loss or damage suffered.
- **INSPECTIONS – Prior** Arranged and inform the Shipping Agents, PSCO may proceed to the ship and before boarding gain, from its appearance in the water, an impression of its standard of maintenance from such items as the condition of its paintwork, corrosion or pitting or unrepaired damage.

7.Port State Control on NC Vessels

On boarding and introduction to the master

- examine the vessel relevant the certificates and document are valid and
- general impression and visual observations on board confirm a good standard of maintenance
- from his general impressions or observations on board has clear grounds for believing that the ship, its equipment or its crew do not substantially meet the requirements, the PSCO should proceed to a more detailed Inspection

8.Port State Control on NC Vessels

"Clear grounds"

- Absence of principal equipment/arrangements,
- Invalid certificate,
- Logs not on board, in error or falsely maintained,
- Serious hull or structure problems,
- Serious deficiencies in safety, pollution prevention or navigation equipment. Crew unable to communicate,
- Master/crew not familiar with essential operations,
- Muster list, fire plan etc. not up to date,
- False distress alerts without cancellation,
- Report that ship is substandard.

9.Port State Control on NC Vessels

Detention

- Failure of proper operation of propulsion and other essential machinery, as well as electrical installations.
- Insufficient cleanliness of engine room, excess amount of oilywater mixture in bilges,.
- Failure of proper operation of emergency generator lighting, batteries and switches. Failure of proper operation of the main and auxiliary steering gear.
- Absence, insufficient capacity or serious deterioration of
- personal life-saving appliances, survival craft and launching
- arrangement
- Absence, non-compliance or substantial deterioration, to the extent that it can not comply with its intended use of fire detection system, fire alarms, fire-fighting equipment, fixed fire-extinguishing installation, ventilation valves, fire dampers and quick-closing devices.

10Port State Control on NC Vessels

- Absence or failure of proper operation of the radio equipment for distress and safety communication.
- Absence or failure of proper operation of navigation equipment.
- Absence of corrected navigational charts and/or all other relevant nautical publications necessary for the intended voyage.
- Number, composition or certification of crew not corresponding with safe manning document.
- Overloading.
- Absence of, or impossibility to read, draught marks and/or Load Line marks.

11.Port State Control on NC Vessels

- Failure of seafarers to hold a certificate, to have an appropriate certificate, to have a valid dispensation
- Failure to comply with the applicable safe manning requirements of the administration.
- absence of a person qualified to operate safety radiocommunications

Reporting

- A Port State authorities should ensure that, on the conclusion of an inspection, the master of the ship is provided with a document giving the results of the inspection, details of any action taken by the PSCO, and a list of any corrective action to be initiated by the master and/or company. Such reports should be made in accordance with the your Administration formats.
- A copy of the report must send to the Flag State Authority.

12.Conclusion

Changes to national regulations

Some pointers to consider

Tufuga Fagaloa Tufuga
Regional Maritime Legal Adviser
SPC Regional Maritime Programme
Regional Seminar on Operational Safety of Domestic Ferries and Non – Convention Vessels
7 -11 December 2009, Suva, Fiji

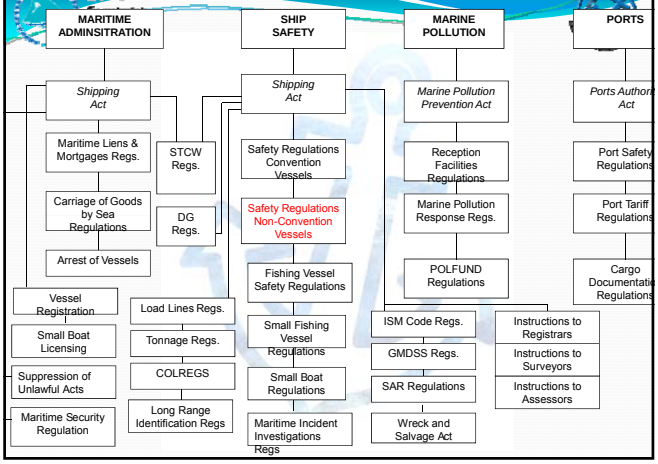
Presentation Outline

- Background
- PIMLaws – harmonisation process
- Pointers
- Conclusion
- Discussion

Background

- Success of this seminar through its resolution depends largely on national implementation
- …"all matters which are not expressly provided for in the present Convention remain subject to the legislation of contracting governments"
- Nationality of ships (LOSC)– gives the States powers in law to regulate shipping
  - International law has no teeth unless incorporated into domestic laws
- However, for variety of reasons, regulations are not being enforced or when enforced it is inadequate

PIMLaws – harmonising maritime laws



Pointers

- Analyse draft generic Safety Regulations for Non – Convention Vessels – PIMLaws
- Discuss with relevant stakeholders (ship-owners, operators etc)
- Discuss it with the Attorney General's Office
  - *Knock and the door shall be open*
- Check if principal legislation (Shipping Act) provides for regulation making powers
- Consider Maritime CEOs to sign off on technical rules
  - RMI – Domestic Water Craft regulations

Conclusion

- PICs domestic laws need review
- Legislation provides basis for safer shipping
- Regulation must be easy to understand especially for the users e.g. surveyors
- SPC/RMP through PIMLA can provide assistance


SPC
Importance of maritime transport

Provisional Programme

IMO Regional Seminar on Operational Safety of Domestic Ferries and non-Convention Vessels

Suva, Fiji 7 – 11 December 2009

SUMMARY OF DISCUSSIONS DAY 1

Presentations	Issues discussed
• **Programme outline** • **Aims and Objectives of the seminar**	1. The Team supports the Aims & Objectives of the Seminar. 2. There is a need for re-emphasis/reminder of clearly defined roles of Flag State, Administration, Shipping Company, Master and any designated representatives (many new entrants into the industry). Appropriate training to be considered. 3. Regional MOU - Vital to have regional standard - need to work as a region to share experiences, solutions and resources for the betterment of the region and the industry. 4. Need to have some information on costs for maritime incidents as well, for example, FIMSA to advice 5. Objectives to be rearranged for number 3 to be the first and number 1 to be number 3 and the rest remains as is. 6. Add a new objective focusing on Government's role, i.e., to urge Government to give adequate financial support to local ship operators. 7. Awareness and consultation programme should focus on grassroot levels as well and not just Government. 8. Law enforcement for small vessels must be effective as the majority of people use small crafts. 9. There is a need to have a common legislation in Maritime Administrations of the Region on the purchase of second-hand vessels. The second-hand vessels need to be inspected to meet the requirements prior to being purchased and Registered in a country. Some Maritime Administrations do not have a legislation that covers the guidelines/procedures for purchase of new vessels.
• **Overview IMO Conventions (SOLAS, MARPOL, STCW, LL, HSC, SFV and UNCLOS article 94.** • **Differences in application of rules between Convention size and non convention size vessels**	1. Need to address the following: - carriage of passengers and dangerous goods on ships - Installing of AIS when no Shore station is available (extra Cost can be used for improving safety) - Installing of full GMDSS when no Shore station is available (Need for regional Shore Stations VIP for SAR) - High cost of classification society, given the new trend of splitting up surveys, etc. - High Cost & availability of insurance for ships within the region - High cost of servicing life saving appliances & availability of servicing agents. - International shore connection on NCV 2. It is imperative that PICT adopt and implement the ISM Code and its derivatives for the smaller vessels. 3. Financial – unable to get all safety equipment on board 4. Safety rules not adequate or out of date (the countries have different ways of operating and have different requirements so the safety legislations should be incorporated in such a way to address the countries needs effectively) 5. Negligence of responsibilities by some of the personnel

	6. Lack of resources 7. The General survey of safety equipment is surveyed by Flag State Surveyors but for machinery which requires specialist knowledge, IAC's members are contracted to survey it. PNG example-The Maritime Administration has reviewed its legislation for Flag State Surveyors to survey vessels and the requirements that need to meet safety requirements for the maritime administration. • 15m Vessels need to have radios installed • With so many vessels, some of the survey work is out sourced to Non exclusive Surveyors • The small craft bill is now addressing vessel lengths of 15m and below which was basically left to the local Provincial Governments, which was a national Maritime responsibility. Ships below 500 GT is mostly surveyed by Flag State Surveyors, those above 500 GT are mostly surveyed by Classification Societies which are approved IAC's members as well as approved by the Maritime Administration. 8. Loadline surveys is still a challenge for small boats, which is not specified clearly for some Administrations and also when ships have been modified, load line calculations are usually done by Contracted Foreign Naval Architects.
• **Limitations on regulatory requirements for Safety, Security and Pollution Prevention**	1. The proposed Plan of Action should include a Technical Team to address technical details required for a regionally acceptable model which States can amend accordingly. 2. Need to address MARPOL Requirements (shore collection facility, especially for a SIS) e.g. used oil, garbage, sewerage, etc. 3. IACS is very expensive for maritime administrations and ship-owners and there is a need to explore regional expertise and get proper accreditation so that qualified personnel from within the region are used. 4. There should be a system in place to test all equipment used on board and surveyed against the standards. 5. There should be proper certification for safety and standards. The standards should also be specified. 6. A problem identified was the lack of equipment on board. Shipping companies usually do not give priority to safety. 7. The Maritime Administration should have legislation for sewage discharge; ships need to be off shore within a certain distance specified by the Administration before the sewage is discharged. The PIMLaws can be tailored to suit local legislation on this issue. 8. The PIMLaws needs to be drafted with expert advice on the technical understanding so that the legislation covers the area it needs to. 9. The Maritime Lawyers need to legislate and provide legal advice to regulate safety issues for domestic shipping in the region.
• **National responsibilities for implementation of relevant**	1. When under commercial or political pressure to circumvent the law, there is a need to obtain a written instruction and have it witnessed - keep several copies in record.

regulations and their enforcement	2. States need to encourage the establishment of a regional ship owners association to hear their view as they can assist the state. 3. Support the idea of an Agreement/MOU between countries for audit on domestic shipping operations. 4. Support the idea of having a regional safety regulation drafted by PIMLA. 5. Domestic shipping should be operating under a general safety certificate issued by the administration or legislation authority. There should be a checking mechanism to check the certificate issued by the administration and should be incorporated into the safety legislation. The verification can be made by RMP with personnel from other countries. 6. We need to bring back the ISM. There are safety regulations in place in some countries but no proper management. 7. Training and audits. 8. There should have manuals for procedures in doing things. The legislation does not state the procedures. 9. The Maritime Administration is still a challenge for the maritime administrations due to some administrations having limited man power, for example in Palau's case, enforcement is not easy because the administration has only two surveyors that have to oversee, Port state control functions, Domestic passenger ferry. 10. Political will to have the Amended Maritime Act to be accepted is still overdue and these are some of the common trends faced by Maritime Administrations. This practice hinders effective implementation of reviewed and amended legislation. 11. The lack of funding to draft Maritime legislation is another issue which slows the process of implementing the required legislation. 12. Self funding is a way forward; with PNG's case, the NMSA generates its own funds through collection of levy's to fund all its projects.

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SUMMARY OF DISCUSSIONS DAY 2

Presentations	Issues discussed
Introduction to the IMO Model regulations for non-convention vessels **Adaption of IMO Model regulations for non-convention vessels, types of vessels not covered by model non-convention ship regulations/ managing their safety (John R)**	1. The need to include the responsibilities and rights of the Master in the safety regulation. ISM has provisions for ship masters; however, not all countries are party to that. 2. The Maritime Administration needs to have good legislation in place to perform its Administration functions effectively. 3. Ship owners need to have some understanding of the Flag State requirements to support the ships Master in operating the vessel according to Flag State requirements, this would require Flag State regulators to have meetings with ship owners frequently to address areas that ship owners have concerns in. 4. Most Maritime Administrations in the PIC's continue to consult PIMLaws for reviewing or drafting of their Maritime Act or regulations. 5. Palau mentioned the need to have Small craft legislation because currently it has consulted the USCG inland waterways or lake regulation as guidelines to implement its Flag State responsibilities for small craft.
Current national regulations for non-convention vessels in the region (PIMLaws) - Fagaloa	1. The regions legal experts should consider drafting small craft legislation which covers the need to have the vessels below 24m in length registered. The Registration should require details of safety equipment required on board and some form of renewing the registration annually. Some of the checks prior to registration may involve; • The length • The engine power requirement • The fuel requirement • The distance limits • The maximum number of people to carry • Types of simple safety equipment that it needs to carry 2. Agreement to adapt RMP/PIMLA draft safety regulation. 3. Small fishing vessels to be included in the draft Regulation. 4. Put in place penalties for non-compliance. 5. To include provisions for vessels operating in the country's archipelagic waters and waterways. 6. For all new fishing vessels (fiber) to have Government subsidiary and concessions on safety goods, that is, EPIRBS, life jackets, etc. 7. RMP to assist administrations on consultations with stakeholders. 8. RMP/PIMLA safety Regulation to include fishing vessels over 500 gross tonnages. 9. That all Pacific island countries to adopt one common set of safety standards.