

# **National Standard for Commercial Vessels**

## **Part E    Operations**

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## Section 1.1

## Chapter 1 Preliminary

### 1.1 Scope

- (1) This Part specifies minimum requirements for the safe operation of domestic commercial vessels in Australia.
- (2) This Part is to be read in conjunction with Part B.

### 1.2 Application

This Part applies to all domestic commercial vessels other than vessels to which Part F applies.

### 1.3 Objective

The objective of this Part is to identify and manage risk on board vessels by encouraging the development and maintenance of an ongoing safety culture.

### 1.4 Reference documents

Each document mentioned in the following table:

- (a) is referenced in this Part; and
- (b) is the latest revision of the document, including amendments, unless stated otherwise.

Publisher	Document	Available
Department of Education, Employment and Workplace Relations	Maritime Training Package (TDM07)	See the website at <a href="http://www.training.gov.au">http://www.training.gov.au</a> .
Australian Maritime Safety Authority	National Standard for Commercial Vessels Part B — General requirements Part F — Special vessels	See the AMSA website at <a href="http://www.amsa.gov.au">http://www.amsa.gov.au</a> .
IMO	ISM Code SOLAS	See the IMO website at <a href="http://www.imo.org/publications">http://www.imo.org/publications</a> .

### 1.5 Definitions

- (1) In this Part:
  - appropriate crew**, for a vessel, means the number of crew members, including the master, that is determined to be required for the safe operation of the vessel under subclause 6.5 of Schedule 2.
  - assembly station** means a space in a vessel designated in writing for assembly of persons in an emergency or marine incident.
  - Note* A space may be designated in writing by a sign.

## Section 1.5

**certificated crew** means crew members, including the master, each of whom hold a certificate to which *Marine Order 505 (Certificates of competency — national law) 2013* applies.

**core complement**, for a vessel — see subclause (9) of operation requirement 6.

**distress signal** means an internationally or nationally recognised signal for indicating distress, an emergency or danger.

**domestic commercial vessel** — see section 7 of the national law.

**emergency station** means a pre-assigned location for a crew member, or a responsibility or action to be performed by a crew member, in response to, or in preparation for, an emergency.

**hazardous occurrence** means a circumstance that may have led to a marine incident if it had developed further.

**identification number**, for a vessel, means the vessel's registration number, survey number or other unique identification number required by the National Regulator.

*Note* A unique identifier required under the national law would be a unique identification number.

**IMO** means the International Maritime Organisation.

**ISM Code** — see definition of *International Safety Management Code* in SOLAS, Chapter IX, regulation 1.

**key onboard operations** means operations determined in writing by the master of the vessel to be key onboard operations.

*Note* A master could determine the key onboard operations by signing the written record of the procedures for key onboard operations.

**marine incident** — see section 6 of the national law.

**NMSC** means the National Marine Safety Committee.

**national law** means the Marine Safety (Domestic Commercial Vessel) National Law set out in Schedule 1 to the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

**non-conformance** means:

- (a) a circumstance in which a procedure or other requirement mentioned in an operation requirement has not been followed; or
- (b) a circumstance in which any of the following are endangered:
  - (i) the vessel;
  - (ii) the environment;
  - (iii) a person onboard the vessel or elsewhere;
  - (iv) the cargo of the vessel.

**owner** — see section 6 of the national law.

**Part B** means *Part B — General requirements* of the NSCV.

**Part D** means *Part D — Crew competencies* of the NSCV.

**Part F** means *Part F — Special vessels* of the NSCV.

**pre-operating check** means a check of the readiness of the vessel and crew to proceed to sea.

**Section 1.5**

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**radio watch** means continual monitoring by a person on board a vessel of:

- (a) at least a radio distress frequency; and
- (b) any other radio frequency advised by the relevant port authority, harbour master or waterways manager.

**reasonably practicable** — see section 27 of the national law.

**SOLAS** — see definition of **Safety Convention** in section 14 of the *Navigation Act 2012*.

**serious injury** means an injury requiring admission to hospital.

**service category** — see section 2.4 of Part B.

**uncertificated crew** means crew members who are not certificated crew.

- (2) In this Part, the following terms have the meaning given by Part B:

crew	fast craft	master
National Regulator	operational area	passenger
smooth waters		

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## Chapter 2 Standards

### 2.1 Vessel operation to avoid unnecessary risk

The operation of a vessel must:

- (a) be conducted safely to the extent that is reasonably practicable to reduce risks; and
- (b) ensure there is a rapid and efficient response to any emergency so that any adverse consequences are reduced as much as possible.

### 2.2 Crew members to be committed to safety

A vessel must be operated by crew:

- (a) with a commitment to safety; and
- (b) within an environment that facilitates the achievement of safety goals; and
- (c) who are encouraged to share responsibility for the safe management of the vessel.

### 2.3 Crewing

A vessel must carry sufficient competent and trained crew at all times when operating, so that:

- (a) the vessel can safely navigate, berth and unberth; and
- (b) the vessel systems essential to safety can be effectively operated and monitored; and
- (c) immediate and appropriate emergency action can be taken when there is a failure of an essential system; and
- (d) the risk associated with the nature of the activity conducted by the vessel is reduced to the extent that is reasonably practicable; and
- (e) a measured response to emergencies or risks that may threaten the vessel or persons onboard during normal or abnormal conditions, when considering all facets of the vessel's operation, can be provided; and
- (f) rapid and safe evacuation of all persons onboard the vessel can be facilitated.

*Note* For crew competency and training requirements — see Part D.

### 2.4 Compliance

- (1) The operation of a vessel complies with this Chapter if it complies with the operation requirements mentioned in Schedule 2 that apply to it under section 3.2.
- (2) A safety management system for a vessel and its operation that complies with the operation requirements mentioned in Schedule 2 that apply to the vessel under section 3.2 may be used to demonstrate compliance with this Chapter.

## Section 3.1

## Chapter 3 Operation requirements

### 3.1 Summary of operation requirements

Schedule 1 summarises the operation requirements mentioned in Schedule 2 with which the operation of a vessel may have to comply under section 3.2.

### 3.2 Operation of vessel must comply with applicable operation requirements

- (1) The operation of a vessel in a service category mentioned in an item in the following table must comply with the operation requirements for the level mentioned in the item.

Item	Service category of vessel	Level	Operation requirements
1	Class 1A, 1B Extended, 1B, 1C, 1D, 1E, 2A, 2B Extended, 2B, 3A, 3B Extended, 3B	Higher	1 to 12
2	Class 2C, 2C Restricted, 2D, 2E, 3C, 3C Restricted, 3D or 3E	Medium	1, 2, 4, 5, 6, 7, 8, 10, 11 and 12(1) (Revisions page)
3	Class 2D, 2E, 3D or 3E — with no passengers	Lower	1, 2, 6, 7, 8, 10 and 11(1) to (8) (Logbook)

*Note* Service categories are determined according to the nature of vessels' use and operational areas — see section 2.4 of Part B.

- (2) However, if the vessel is operating in a fleet, the operation of the vessel:
- must comply with the operation requirements that apply to the service category of the vessel, in the fleet, with the most complex operations; and
  - may comply with an operation requirement by using a procedure or statement common to the vessel and at least 1 other vessel in the fleet.

*Examples for paragraph (b)*

- a designated person
- a master's responsibility and authority statement
- a fuelling procedure.

### 3.3 Compliance with operation requirements by complying with ISM Code

The operation of a vessel complies with the operation requirements that apply to it under section 3.2 if it complies with Part A of the ISM Code.

### 3.4 Equivalent means of compliance — transitional

An approval of equivalent that was given by the Australian Maritime Safety Authority under section 3.4, as in force immediately before 10 June 2016, is taken to be an approval of equivalent mentioned in section 1.6 of Part B.

*Note* This Part no longer provides for approval of equivalents. However, section 1.6 of Part B provides for the National Regulator to approve an equivalent means of compliance with any requirement of the NSCV and sets out application requirements.



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## Schedule 1 Summary of operation requirements

(section 3.1)

<b>Item</b>	<b>Description</b>
1	Vessel and contact details
2	Risk assessment
3	Owner's responsibility and authority statement
4	Designated persons
5	Master's responsibility and authority statement
6	Resources and personnel
7	Procedures for onboard operations
8	Emergency preparedness
9	Follow-up on hazardous occurrences and non-conformances
10	Maintenance of vessel and equipment
11	Documentation
12	Verification, review and evaluation

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## Schedule 2 Operation requirements

(section 3.1)

### 1 Vessel and contact details

The following information must be recorded in writing and kept so that it is easily accessible:

- (a) the name, address, phone number and email address (if any) of the owner of the vessel;

*Note* This may be the operator of the vessel and not the company or other person that owns the vessel if it is the operator who is the person with overall general control and management of the vessel — see national law, section 6, definition of *owner*.

- (b) a unique identification number for the vessel;
- (c) the type of vessel;
- (d) the areas of operation of the vessel;
- (e) the contact details of a person so that the person can be contacted at any time about the operation of the vessel.

### 2 Risk assessment

- (1) A risk assessment of the operation of the vessel must be carried out that identifies the following:
  - (a) key daily tasks to be performed by all crew members;
  - (b) any potential risks involved in the conduct of any task that may expose the following to unacceptable risks:
    - (i) the vessel;
    - (ii) the operational environment of the vessel;
    - (iii) persons on or near the vessel;
  - (c) the appropriate crew for the vessel;
  - (d) a person to be responsible for ensuring that actions needed to correct any identified potential risk are carried out.

*Examples of potential risks for paragraph (b)*

- 1 vessel state or repair
- 2 crew fatigue
- 3 smoking
- 4 alcohol consumption.

- (2) The risk assessment must be reviewed if:
  - (a) the vessel undertakes an operation that differs from that normally undertaken by the vessel; or
  - (b) the master of the vessel considers that the risk to the safe operation of the vessel may have increased or decreased.
- (3) The risk assessment must be documented and the document kept up to date.

### 3 Owner's responsibility and authority statement

A statement about the owner's responsibilities for the vessel that includes the following matters must be prepared and kept so that it is easily accessible:

- (a) the name and contact details of the owner of the vessel;

- (b) the name and responsibilities of any person to whom the owner has given the authority to act on behalf of the owner;
- (c) a statement about the relationship and lines of communication between the crew members and onshore staff who are responsible for implementation of the operation requirements.

*Note 1* This document is usually known as the owner's responsibility statement.

*Note 2* There may be more than 1 owner of a vessel. A person with overall general control and management of the vessel may be an owner — see s 6 of the national law, definition of *owner*.

#### 4 Designated persons

The owner must designate a person with direct access to the owner to be responsible for monitoring the safety and pollution prevention of the vessel and ensuring appropriate resources and shore support are provided to the vessel.

*Note* This person is usually known as the designated person. This person could be the master if the master is the owner.

#### 5 Master's responsibility and authority statement

A statement about the master's responsibility and authority that includes the following matters must be prepared and kept so that it is easily accessible:

- (a) the master's responsibility for verifying that the operation requirements are being complied with;
- (b) that the master may request the owner's assistance and make decisions for the operation, navigation and safety of the vessel and pollution prevention to ensure compliance with the operation requirements.

*Note* This statement need not be kept on board the vessel. This statement is usually known as the master's responsibility statement.

#### 6 Resources and personnel

##### Training of crew

- (1) The owner of a vessel must ensure that each crew member receives the following training:
  - (a) as soon as practicable after joining the vessel and before commencing duties — initial safety training that familiarises the person with safety matters about the person's presence and duties on board the vessel;
  - (b) sufficient training in key onboard operations to establish, maintain and verify the competence and capacity of the person to safely carry out assigned duties;
  - (c) sufficient training in emergency procedures to establish, maintain and verify the ability of the person to respond rapidly and effectively in an emergency and to follow the emergency plan.
- (2) Any other person engaged in key onboard operations for the vessel must also receive the training.

##### *Example*

An onshore staff member involved in berthing the vessel.

- (3) The training must be given by the master, or by a crew member who the master considers has the skills and knowledge to provide the training.
- (4) A written record of any training mentioned in subclause (1) that is undertaken must be made and signed by each person who undertook the training.

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### Appropriate crew

- (5) The owner of a vessel must determine the appropriate crew for each type of operation of the vessel by evaluating the risks to the vessel, the environment and all persons who will be on or near the vessel.
- (6) The evaluation must take into account the following factors:
- (a) the tasks or activities of the vessel and any particular demands on the crew that each task or activity will impose in addition to the safe navigation of the vessel;
  - (b) the number of persons to be carried on the vessel;
  - (c) the design characteristics of the vessel, including its general arrangements, machinery and equipment;
  - (d) the competency required for the use of technological aids to safety fitted in addition to the mandatory requirements;
  - (e) the area of operation of the vessel and expected conditions (eg weather, climate and water temperatures);
  - (f) the duration of the voyage;
  - (g) the potential fatigue of the master and crew members;
  - (h) the requirements for the vessel's emergency preparedness including the vessel's emergency plan;
  - (i) the state of repair of the vessel and its machinery and equipment;
  - (j) the need for safe and timely evacuation of all people from the vessel in an emergency;
  - (k) the risks to the environment and all persons who will be on or near the vessel;
  - (l) the qualifications and competencies of crew, including circumstances where the master is the only crew member holding mandated engineering qualifications (dual certification);
  - (m) the external support available to the vessel and its crew;
  - (n) key onboard operations and identified potential risks.

*Examples of tasks or activities for paragraph (a)*

1. passenger carrying
2. fishing
3. tourism activities.

*Examples for paragraph (d)*

1. fire safety systems
2. remote engineering monitoring and diagnostics
3. automatic Radar Plotting Aid (ARPA)
4. close Circuit TV (CCTV).

- (7) The number of appropriate crew may be less than the core complement for the vessel only if the National Regulator approves an equivalent means of compliance for use of the appropriate crew.
- (8) The appropriate crew for each type of operation must be recorded in the documentation of the vessel together with reasons for the crewing level determined that address the factors mentioned in subclause (6).

**Core complement**

(9) In this clause:

**core complement**, for a vessel of a length mentioned in the following table, means the number of crew members, including the master (subject to the rules for dual certification mentioned in the table for the vessel):

- (a) that is mentioned in the table as the core complement for a vessel of that length; and
- (b) that comprises the number of certificated crew and the number of uncertificated crew mentioned in the table for the vessel.

**deck certificate** means a certificate issued under a standard prescribed by *Marine Order 505 (Certificates of competency — national law) 2013* that allows the holder to perform duties in a deck capacity.

**engineering certificate** means a certificate issued under a standard prescribed by *Marine Order 505 (Certificates of competency — national law) 2013* that allows the holder to perform duties in an engineering capacity related to the machinery of a vessel.

Vessel length	Core complement	Certificated crew	Uncertificated crew	Dual certification rules
55 ≤ x < 80m	4	3	1	D3
35 ≤ x < 55m	3	2	1	D3
12 ≤ x < 35m	2	2	–	D1, D2
< 12m	1	1	–	–

(10) In the table to subclause (9):

**D1** means that, if a master holds an engineering certificate, the number of certificated crew may be reduced by 1 if the number of uncertificated crew is increased by 1.

**D2** means that no changes may be made, because of dual certification, to the number of certificated or uncertificated crew for a vessel with greater than 750kW propulsion power.

**D3** means that, if the chief engineer holds a deck certificate permitting the holder to be the mate, the number of certificated crew may be reduced by 1 if the number of uncertificated crew is increased by 1.

**Operating with appropriate crew or core complement**

(11) A vessel must operate with the appropriate crew for the vessel unless:

- (a) it is operating with its core complement; or
- (b) the National Regulator has approved an equivalent means of compliance to operating with its core complement.

*Note 1* The National Regulator may, for example, approve the operation of a vessel for a limited period on a specific voyage with less than the core complement.

*Note 2* A vessel may only use an appropriate crew that is less than its core complement if the National Regulator has approved an equivalent means of compliance to use that appropriate crew — see subclause (7).

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- (12) A vessel may only operate with its core complement if it has no passengers on board and is on a voyage:
- that is within smooth waters; and
  - that is of less than 12 hours; and
  - during which it does not carry out its normal business activities or functions.

*Note* A vessel operating with its core complement must still comply with the crewing requirements of section 2.3.

- (13) If the National Regulator approves an equivalent means of compliance to a vessel operating with its core complement under section 1.6 of Part B, a record of the approval must be kept on board the vessel so that is readily available.

#### Qualification requirements

- (14) A vessel may only operate if there is at least 1 person who:
- is available at all times to provide first aid; and
  - holds a first aid qualification in accordance with Part D or an equivalent qualification.
- (15) A vessel may only operate if it has a master or a deck watchkeeper required as appropriate crew under this Part who is qualified in accordance with clause 7.3 of Subsection 7B, Section 7 of Part C of the NSCV to operate the radio or other communication equipment fitted on the vessel.

## 7 Procedures for onboard operations

- (1) Procedures for the safety of the vessel, the environment and persons on or near the vessel must be:
- developed for key onboard operations to address any risks identified by the risk assessment; and
  - recorded in writing; and
  - if an increased risk is identified by a review of the risk assessment — changed to reduce as much as possible any increased risk identified by the review.
- (2) Each task involved in a procedure that has been developed for key onboard operations must be assigned to a crew member who has the skills and knowledge to perform the task.
- (3) A record of the procedures must be kept on board the vessel in a form easily accessed by any crew member.
- (4) Procedures for key onboard operations must include at least the following:
- pre-operating checks;
  - for a passenger vessel — a safety induction for each passenger about relevant operational and emergency procedures, as soon as practicable after the passenger boards the vessel;
  - a radio watch, unless:
    - the equipment is being used on another frequency for the business or safe navigation of the vessel; or
    - a radio watch is being maintained on another frequency required by a local pilotage or port authority; or

- (iii) communications are being exchanged with another shore based or ship station; or
- (iv) the Master considers that, because of sea or weather conditions, maintaining the watch would interfere with the safe navigation or safe working of the vessel; or
- (v) the vessel is not required to carry a radio.

*Note for paragraph (b)* This requirement does not prevent group inductions. The timing and format of the induction will depend upon the nature of the vessel's operations.

## 8 Emergency preparedness

- (1) An emergency plan must be:
  - (a) developed; and
  - (b) recorded in writing; and
  - (c) kept on board the vessel in a form easily accessed by any crew member; and
  - (d) if an increased risk is identified by a review of the risk assessment — changed to reduce as much as possible any increased risk identified by the review.
- (2) An emergency plan must include procedures for responding to each of the following situations:
  - (a) fire;
  - (b) a person overboard;
  - (c) a personal injury or other medical emergency;
  - (d) vessel collision;
  - (e) vessel grounding;
  - (f) vessel flooding;
  - (g) adverse weather or water conditions;
  - (h) any other circumstance identified by the risk assessment that may require an emergency response.
- (3) An emergency plan must include the following:
  - (a) assembly stations (***primary assembly stations***) for all persons on board;
  - (b) for a vessel that may carry more than 36 persons — alternative assembly stations that may be used in place of each primary assembly station that is unusable or inaccessible during an emergency
  - (c) arrangements for the assignation of each crew member to an emergency station;
  - (d) a system, for use in an emergency, for the crew to record and confirm the presence of all persons on board;
- (4) A vessel with passengers must provide the following emergency information in each assembly station, each passenger cabin and other areas frequented by passengers:
  - (a) the location of each assembly station;
  - (b) what passengers must do in an emergency;
  - (c) how passengers are to find, put on and secure lifejackets.

- (5) A vessel with a single crew member that is carrying passengers must prepare and clearly display a laminated written or diagrammatic emergency safety procedure for use by the passengers.

## **9 Follow-up on hazardous occurrences and non-conformances**

- (1) Any identified hazardous occurrence or non-conformance must be investigated.
- (2) A written record must be kept of the following matters:
  - (a) each hazardous occurrence;
  - (b) each non-conformance;
  - (c) the result of each investigation into a hazardous occurrence or non-conformance including any corrective action taken to prevent it happening again.
- (3) The written record may include a description of any customer complaint or feedback about the hazardous occurrence or non-conformance.

## **10 Maintenance of vessel and equipment**

- (1) A system of regular programmed inspection and maintenance appropriate for the vessel, its machinery and its equipment must be developed and maintained.
- (2) The system must include arrangements for recording details of each inspection and correcting each deficiency identified by an inspection.

*Note* See also operation requirement 11.

- (3) A vessel must be inspected sufficiently to determine if the vessel, its machinery and its equipment complies with the maintenance and operation requirements that apply to it.

*Note* This requirement does not prevent inspections being made for compliance with voluntary maintenance guidelines.

- (4) Each inspection must be conducted by the person who has overall general control and management of the vessel.

## **11 Documentation**

### **Logbook**

- (1) A logbook must be kept for a vessel and made available for inspection upon request.

*Note* A format for logbooks has not been specified. A logbook for a vessel may be kept on board the vessel or on land.

- (2) A logbook may be kept electronically if there is a back-up arrangement to prevent the loss of the information included in the logbook.
- (3) The logbook may include any details that the master considers relevant about the following matters about the vessel:
  - (a) its key activities;
  - (b) its position;
  - (c) its navigation track;
  - (d) a general summary of the weather it has experienced.
- (4) The logbook must include details about the following matters:
  - (a) any illness or injury of persons onboard;



- 
- (b) any marine incident, other incident or accident involving the vessel or its equipment;
  - (c) any assistance rendered to another vessel;
  - (d) any unusual occurrence or incident;
  - (e) all communications messages sent or received for an emergency;
  - (f) each inspection of the vessel, its machinery and its equipment that is required under operation requirement 10.
- (5) The information about an incident or occurrence mentioned in subclause (3) must be entered into the logbook as soon as practicable after it occurs.
  - (6) An entry in a logbook or engineering record book must be kept for at least 5 years after it is made.
  - (7) A logbook or engineering record book must not:
    - (a) be mutilated or destroyed; or
    - (b) include an illegible entry; or
    - (c) include a false or fraudulent entry; or
    - (d) be deliberately withheld from inspection.
  - (8) A written record of the following matters must be kept about any safety training undertaken by crew members:
    - (a) the date of the training;
    - (b) the name of each participant;
    - (c) the nature of the training;
    - (d) the location of the training.

*Examples of safety training*

- 1 Initial safety training.
- 2 Training in emergency procedures.

*Note* This record may be included in the logbook.

### Passenger documents

- (9) For a voyage that is less than 12 hours long, at least 1 head count must be conducted of all passengers on board the vessel and the number of passengers on the vessel known by the master at any time.
- (10) For a voyage that is at least 12 hours long, an up to date, readily available passenger manifest must be kept on board the vessel.
- (11) The passenger manifest must include details about the following:
  - (a) the name of the vessel;
  - (b) an identification number for the vessel;
  - (c) the voyage;
  - (d) if required in an emergency — details of any medical or safety requirements of particular passengers;
  - (e) for each person on board the vessel — name, address (local and home if a person has both), email address (if any) and phone number.

### Crew documents

- (12) An up to date crew list must be kept so that it is readily available.

- (13) The crew list must include details about the following:
- (a) the name of the vessel;
  - (b) the identification number of the vessel;
  - (c) the name, address, phone number and email address (if any) of the owner of the vessel;
  - (d) the name, address, phone number and email address (if any) of the employer of the crew;
  - (e) the name, home address, phone number and email address (if any) of each crew member;
  - (f) the name, address and phone number of each crew member's next of kin;
  - (g) the capacity in which each crew member is employed;
  - (h) each certificate of competency or other certificate held by a crew member that is required by a standard prescribed under *Marine Order 505 (Certificates of competency — national law) 2013*;
  - (i) the date each crew member joined the vessel;
  - (j) the date each crew member left the vessel.

## 12 Verification, review and evaluation

### Revisions page

- (1) A written record that includes the following matters must be made for each change made to any document or other written record that is required under an operation requirement:
- (a) a reference number;
  - (b) a reference to the part of the document or record changed;
  - (c) the date of the change;
  - (d) the signature or initials of the person making the record of the change.

*Note* A written record may be a 'revisions page' at the end of an emergency plan, the record of key operations procedures or the master's responsibility statement.

### Review

- (2) A review system to assess compliance with the operation requirements must be developed internally and a review conducted annually including of onboard and offshore procedures.
- (3) All documents and other written records required by an operation requirement must be reviewed annually by the owner and master to evaluate its effectiveness against the standards mentioned in Chapter 2.
- (4) Each review and its outcome must be documented and any consequential actions or changes to procedures included in the written record or other document that outlines the procedures changed.

*Note* For example, a change to a key onboard operation procedure would require a change to the record of those procedures.