

Public Consultation Approach: NSCV C1 – Wheelhouse visibility, escape, accommodation, and personal safety

February 2022

Australian Maritime Safety Authority




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PART A: PRELIMINARY

Report Outline

Title	Public consultation: NSCV C1 – Wheelhouse visibility, escape, accommodation, and personal safety.
Type of report	Consultation approach to support the proposed revised NSCV C1 standard.
Purpose	For public consultation
Submission details	<p>The Australian Maritime Safety Authority (AMSA) will accept submissions from 14 February 2022 until 24 April 2022 online at amsa.gov.au/news-community/consultation, or by mail to:</p> <p>Consultation Australian Maritime Safety Authority GPO BOX 2181 Canberra ACT 2601</p> <p>You can also call us on 1800 627 484 (within Australia) or +61 2 6279 5000 (outside Australia)</p> <p>Unless you clearly ask us not to, we publish online all the submissions we receive. We will not publish submissions that contain defamatory or offensive content.</p> <p>Please note the <i>Freedom of Information Act 1982 (Cth)</i> applies to AMSA.</p>
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PART B: GLOSSARY

Domestic Commercial Vessel	A vessel that is for use in connection with commercial, governmental or research activity.
National Law	<i>Marine Safety (Domestic Commercial Vessel) National Law</i> set out in Schedule 1 to the <i>Marine Safety (Domestic Commercial Vessel) National Law Act 2012</i> (Commonwealth) including regulations and Marine Orders made under the national law and standards adopted by them.
Uniform Shipping Law code	The Uniform Shipping Laws Code (USL Code) provides standards for the design, construction and operations of domestic commercial vessels in Australia. The USL code was first published in 1979 in response to the need for a common national safety standard for commercial vessels. The National Standard for Commercial Vessels has largely replaced the USL code for all new domestic commercial vessels.
Maritime Labour Convention, 2006	The Maritime Labour Convention, 2006 is an international convention developed under the International Labour Organization (ILO) which sets out the employment and social rights for all seafarers globally.
Keel-laid	<p>The keel of which is laid, or which is at a similar stage of construction.</p> <p>In this definition similar stage of construction means the stage of construction of the vessel at which;</p> <ol style="list-style-type: none">a) construction identifiable with the particular vessel has begun; andb) a portion of the vessel has been fabricated and finally assembled, having a mass of not less than the lesser of;<ol style="list-style-type: none">i. 50 tonnes; orii. one per cent (1 per cent) of the estimated mass of all structural material of the vessel as proposed to be completed.

PART C: INTRODUCTION

AMSA is currently reviewing and updating the *NSCV C1: Arrangement, accommodation, and personal safety* standards. The review is a full review of the standard within an approved scope.

The approved scope includes:

- a) Internal subject matter expert (SME) assessment of all issues that have been formally raised by stakeholders.
- b) Amending the current edition, maintaining the 'required outcomes' with format changes to the location of these outcomes and 'deemed to satisfy solutions' methodology.
- c) Co-developing the standard with industry during the early development of proposed changes using a Technical Advisory Panel at strategic points.
- d) Improving readability of the 'required outcomes' and 'deemed to satisfy solutions' for stakeholders.
- e) Ensuring international standards and conventions relevant and appropriate to Domestic Commercial Vessels (DCVs) are incorporated and the links made clear.
- f) Ensuring other relevant known critical personal safety controls not prescribed for in the C1 standards, have brief clear informative 'notes' to assist readers to meet their General Safety Duty obligations.

AMSA engaged early with a Technical Advisory Panel consisting of industry stakeholders. The Technical Advisory Panel reviewed and provided advice to ensure the standard is fit for purpose and meets both the required levels of safety and is practical within the domestic commercial fleet. The purpose of this public consultation is to help AMSA receive feedback from the maritime industry, stakeholders, and the public on the key proposed policy and standard changes being considered as part of this review.

PART D: BACKGROUND

In 2012 the National Marine Safety Committee (NMSC) proposed to replace the Uniform Shipping Laws Code (USL Code) provisions relevant to the arrangement of accommodation and personal safety. The relevant USL Code provisions were contained within *Subsection 5E Construction – Passengers, Passenger Accommodation, Guard Rails and Bulwarks; Subsection 5F – Structural Fire Protection; Section 7 – Load Lines; Section 9 – Engineering; Section 13 – Miscellaneous Equipment; and Section 18 – Hire and Drive Vessels.*

The Office of Best Practice Regulation (OBPR) advised the NMSC that a Council of Australian Government – Regulatory Impact Statement (COAG RIS) would be required for this proposal (OBPR ref: 11500). The COAG RIS was approved by the OBPR and the standard was endorsed by the Transport and Infrastructure Council (TIC) on 15 November 2013 as the first edition. Since the approval of the first edition, two minor amendments have been made — one in 2016 and one in 2018 — both of which were subsequently approved by the TIC in June 2019.

PART E: WHO WE WANT TO HEAR FROM

The consultation will be of particular interest to many industries and public stakeholders. We particularly would like to hear from:

- a) boat designers, boat builders and naval architects
- b) accredited marine surveyors
- c) government agencies providing compliance activities on behalf of AMSA
- d) industry associations and commercial vessel owners interested in technical standards
- e) operators and crew of domestic commercial vessels
- f) members of the public that use DCVs for transport or tourism.

PART F: RELATED REGULATION, STANDARDS AND INPUTS

Domestic commercial vessel regulations and standards

The following regulations require consequential amendments to support the proposed changes within NSCV C1.

- a) *Marine Order 503 (Certificates of survey) — National Law*
- b) *NSCV C7C — Navigation equipment*

For Marine Order 503, division 2, clause 7 will require amendment to support the proposed phased-in application detailed in Part H below. The minor consequential amendments proposed for NSCV C7C support the removal of chapter 4 from NSCV C1. This will reduce duplication relating to navigation lights, shapes and sound signals.

Coronial findings and recommendations

Several coronial recommendations¹ resulting from fatalities on commercial vessels have mentioned technical specifications contained within NSCV C1. Examples include reduced guardrail heights, handrails that failed under load, inadequate or lacking emergency escape lighting, defective or inadequate number of escape doors and hatches, escape marking and escape doors/hatches that we're unable to be opened against the water pressure of a sinking ship.

Internationally relevant incidents

A vessel was designed and built with passenger seats on an open deck backing onto the guardrail on the side of the ship. A child had been allowed to stand on one of those seats to watch the ship berth, the design of the seats enabled them to climb up on the seatback and

¹ Inquest into the suspected death of Peter Joseph TRCKA; https://www.courts.qld.gov.au/_data/assets/pdf_file/0010/86734/cif-trcka-pj-20081224.pdf and Joint Inquest into the presumed deaths of David Barry Chivers and Matthew Neil Roberts from the FV Cassandra and Adam Jeffrey Bidner and Zachary John Feeney and Christopher David Sammut and Eli Davey Tonks from the FV Dianne and the deaths of Adam Ross Hoffman and Benjamin Patrick Leahy from FV Dianne; https://www.courts.qld.gov.au/_data/assets/pdf_file/0008/624176/cif-fvdianneandfvcassandra-20190829.pdf

lean over the ships side guardrail. Unfortunately, the young child overbalanced and fell overboard².

The California boat fire³ of 2019 highlights the importance of clearly marked and accessible escapes on passenger vessels. The proposed NSCV C1 does seek to standardise escape signage for new vessels.

PART G: SUMMARY OF THE PROPOSED CHANGES

The key areas of the standard with proposed changes are:

Chapter	Proposed Change	Reason for the change
ALL	Modernise the format and make the standard easier to read.	Stakeholder feedback that NSCV C1 is overly complex and difficult to understand.
1, 4 & 6	Clarification around the definition of special working decks and working decks. Further mitigation of persons overboard and recovery of persons overboard by improving technology and developing a no-climb zone.	Industry feedback and a high number of inquiries seeking clarification on what is a special working deck and a working deck.
1 & 4	Toilet and ship sanitation facilities – voyage time and requirements changes.	Industry feedback and a high number of exemptions sort by industry.
2	Simplification of the required outcomes to improve readability.	Stakeholder feedback that NSCV C1 is overly complex and difficult to understand.
3	Simplify the operating stations, visibility and steering visibility chapter for the industry.	Stakeholder feedback that NSCV C1 is overly complex and difficult to understand.
4	Old chapter 4 covering COLREGs deleted. NSCV C7C – Navigation Equipment clause 4.4 Consequential amendments after deleting chapter 4 of NSCV C1.	NSCV C1 COLREG chapter was one page and largely covered by NSCV C7C – Navigation Equipment. This has simplified C1 and reduced duplication.
4	Minor changes to headroom for larger vessels.	Based on international standards and Maritime Labour Convention (MLC) 2006.
4	Improved requirements around ventilation, both natural and mechanical to improve air quality.	Lessons learnt from the current COVID-19 pandemic and best practice health advice.

² Accident Report - The falling overboard and recovery of a young child from the passenger ferry SNOWDROP Seacombe Ferry Terminal, River Mersey 14 October 2013.

<https://assets.publishing.service.gov.uk/media/547c6f24e5274a429000000b/Snowdrop.pdf>

³ Marine Accident Report - Fire Aboard Small Passenger Vessel Conception Platts Harbor, Channel Islands National Park, Santa Cruz Island, 21.5 miles South-Southwest of Santa Barbara, California September 2, 2019. <https://www.nts.gov/investigations/AccidentReports/Reports/MAR2003.pdf>

4	Noise levels, by pointing to already adopted WHS requirements.	Concurrent legislation existing.
4	Incorporate National and International standards – Examples Disability access standards, MLC 2006 requirements, stair and ladder requirements.	Industry feedback and best practice to allow alternatives for compliance.
5	Escape lighting and signage requirements for all class 1, 2 and 3 vessels.	Coronial recommendations linked to several fatalities.
5	Escape routes and design of escapes serving a space.	Stakeholder feedback and internal issues were raised.
5	Modernising the low-capacity escape solutions within the standard.	Industry feedback about 1.5m vertical ladders for low-capacity escapes while considering the WHS risk associated.
5	Minor update to steps in stairs based on updates within Australian standards and the National Construction Code.	To keep in step with minor changes embodied within reference standards.
6	Pilot vessel-specific safety requirements – colour and continuous safety rails clarified and minor amendments	Industry feedback around the clarification of highly visible colour and an operational review of the likely loading case of the continuous safety rails.
6	Gangways may not be vessel fitted equipment and could be wharf supplied. Separate the two and develop guidance.	Concurrent legislation existing.

PART H: PROPOSED APPLICATION

It is proposed that the amended NSCV Section C1 (Edition 2 of NSCV Section C1) will apply to:

- a) newly constructed vessels; and
- b) vessels that are modified where the modifications affect the arrangement, accommodation and/or personal safety aspects of the vessel.

Following consultation, we propose to introduce Edition 2 of NSCV Section C1 with a voluntary commencement date of 1 January 2023. The table below provides the proposed date changes:

Date of construction or modification	Application of NSCV C1
1 January 2023 to 31 December 2024	Vessels constructed or modified may comply with either the current NSCV Section C1 (Edition 1.2, dated 24 July 2018) or Edition 2 of NSCV Section C1.
1 January 2025	Vessels constructed or modified must comply with Edition 2 of NSCV Section C1.

PART I: HAVE YOUR SAY (WEB FORM)

This consultation invites your feedback. In your submissions we are interested in your views and we have provided some guidance topics for you to consider. We also welcome general feedback on this section. You can provide feedback up until by **24 April 2022**.

Email us: consultation@amsa.gov.au

Make an online submission: amsa.gov.au/news-community/consultation

Call us: 1800 627 484 (within Australia) or +61 2 6279 5000 (outside Australia)

Mail: AMSA Consultation, GPO Box 2181, Canberra ACT, 2601

How we use your feedback

AMSA strives to develop safety regulations that are effective, relevant and practical to implement. For this reason, your feedback is vital to the process of regulatory development.

Once we have analysed your feedback and considered how that might impact and translate to improved outcomes, we will consider changes to the proposed standard.

We will continue to provide updates throughout the consultation process via [our website](#), social media channels and through [AMSA updates and newsletters](#).

In preparing your submission, we are particularly interested in your views relating to:

1. Readability
 - a. Is the new format easy to follow? Is the structure and layout logical? Is the content sufficiently detailed or overly complicated?
2. Cost implications
 - a. If you were to construct a new vessel to these proposed new standards, do you think the cost be higher, lower or similar compared to the current edition of the NSCV C1 standards?
3. Safety benefits
 - a. Does the proposed new standard improve the likelihood of increased safety outcomes?
4. Risks
 - a. Does the new content concern you? Is the proposal practical and implementable?
5. Gaps
 - a. Is there anything else you would like to see included in the new edition, in particular regarding new and emerging technology? If so, please indicate where in the standard it would best fit.