



Foreign Vessels Undertaking Operations in WA Waters *Frequently Asked Questions*

Q1. In the past if we have had questions with AMSA and have been able to contact the Fremantle AMSA Office but who do we call with regard to Western Australian Department of Transport (DoT) legislation enquiries?

A1. *WA DoT enquiries about commercial vessels should, in the first instance, be directed to :-*

The Manager

Commercial Vessel Safety

Marine House

1 Essex St

Fremantle, WA6160

For Vessel Survey enquiries please contact the customer service officers on the following numbers to be directed to the correct survey section:

08 9216 8237

08 9216 8239

08 9216 8240

For Certificate of Competency enquires please contact the Customer Service officers on the following numbers:

08 9216 9238

08 9216 9296

Q2. Once a vessel has cleared into the country and it then comes under the WA DoT for intrastate voyages; what AMSA Marine Orders still apply - presume Marine Orders Part 3 still applies - how do we find this information?

A2. *Whilst operating on intrastate voyages within Western Australia under a valid Permit to Operate (for vessels plying in WA for up to six months) or Certificate of Survey (required for vessels plying in excess of six months) issued by the Commercial Vessel Safety Branch on behalf of the Western Australia Government, only the Marine Orders as called up by the National Standard for Commercial Vessels (NSCV) apply.*

Marine Order Part 3 does not apply for intrastate voyages in WA, the WA Marine Act 1982 and the WA Marine (Certificate of Competency and Safety Manning) Regulations apply for intrastate voyages.

If the vessel has an 8A or 8AA declaration to ply on intrastate voyages under the Navigation Act 1912 then AMSA require vessel comply with Marine Orders and any the federal legislation. The state is not involved in any vessel statutory requirements for 8A or 8AA declared vessels.

Q3. Can we expect to see WA DoT surveyors / inspectors at any stage - are any of these inspections been carried out by AMSA?

A3. *If the vessel is not classed and is in WA state survey only, then all surveys will be carried out by WA DoT Marine Surveyors. This is only applicable to vessel of less than 35 metres in length (under 500 Tonne GRT), vessel in excess of this length are required to be in class to a Classification Society.*

If the vessel is classed and under Classification Society survey and required to be in WA state survey for intrastate voyages the vessel is required to be maintained in Class (Lloyds, DNV etc) for hull, machinery, load line, IOPP, IAPP, ISPP (certificates as required). WA DoT Marine Surveyors will conduct annual statutory safety equipment surveys of the vessel, as required under the WA Marine (Surveys and Certificate of Survey) regulations.

Q4. Which Occupational, Health and Safety legislation are we under on intrastate voyages - federal or state legislation?

A4. *WorkSafe is a division of the Department of Commerce, the Western Australian State Government agency responsible for the administration of the **Occupational Safety and Health Act 1984**.*

*The principal objective of the **Occupational Safety and Health Act 1984** is to promote and secure the safety and health of people in the workplace*

Intrastate voyages undertaken by vessels working in WA with a valid Certificate of Survey issued by WA DoT, are covered by WA OH&S Acts and regulations.

Department of Commerce website: <http://www.commerce.wa.gov.au/WorkSafe/>

Q5. Are seafarers still covered by the commonwealth workers compensation legislation - or is there a state equivalent?

A5. *WorkCover WA is the government agency responsible for overseeing the workers' compensation and injury management system in Western Australia.*

*This includes monitoring compliance with the **Workers' Compensation and Injury Management Act 1981**, informing and educating workers, employers and others about workers' compensation and injury management, and providing an independent dispute resolution system.*

Vessels on intra-state voyages are subject to this legislation.

Work Safe website is: <http://www.workcover.wa.gov.au/>

Q6. What do we do with regards to Lifting Gear and Appliances - since DoT regulations only cover gear up to 1 tonne SWL?

A6. *All lifting equipment on board WA commercial vessels must be designed and constructed to standards recognised by DoT WA. DoT WA requires vessel owners to supply proof that the cranes' design and construction conforms with either;*

- AS 1418,*
- one of the AMSA recognised classification societies or,*
- an equivalent standard (the applicant must prove equivalency).*

Such proof may be in the form of a certificate or a plaque affixed to the crane. In cases where this is not possible a declaration of conformity may be signed by a competent person.

Additionally, the following cranes must also be registered with Worksafe;

- Tower cranes,*
- Bridge cranes with a SWL (safe working load) exceeding 10t,*
- Gantry cranes with a SWL exceeding 5t,*
- Mobile cranes not affixed to the deck with a SWL exceeding 10t.*

Proof is required showing that all cranes have been inspected annually by a competent person.

For further information on Lifting Appliances on Floating Structures please contact the Commercial Vessel Safety Branch on (08) 9216 8239.

Q7. Can we still use AMSA Seaman's Logbook or does the DoT State Logbook need to be completed?

A7. *Yes, the AMSA Seaman's Logbook can still be used to record sea time, as long as the AMSA Seaman's Book is accompanied by details of the vessel, such as a copy of the vessels registration document, then an AMSA Seaman's Book is acceptable.*

Q8. Does WA DoT have state security legislation - if so - where can this be found?

A8. *Currently the Federal Act the Maritime Transport and Offshore Facilities security Act is applicable as there is not applicable legislation current in Western Australia. Enquires should be made of the Audit and Security Team Leader, Marine Safety, Department of Transport for clarification of security issues. Contact Number 08 9216 8014.*

Q9. In most vessel's SMS it refers to the Flag State - do we now use WA DoT legislation instead of AMSA for this purpose

A9. *Yes, a vessel SMS will need to be maintained and if so, vessels undertaking intrastate voyages with a valid Permit to Operate or Certificate of Survey issued by WA Dot are required to comply with the WA Marine Act 1982 and the WA Marine (Emergency Procedures and Safety Navigation) regulations. These regulations apply Part E of the NSCV (with the exception at this time of the mandatory element of Chapter 4).*

NSCV Part E is available from the National Marine Safety Committee website at: www.nmsc.gov.au.

Q10. Where are accident and incidents on commercial vessel reported, do I report such occurrences to AMSA or do we use WA DoT legislation requirements

A9. *WA DoT legislation requirement are to be met for reporting any incident on a commercial vessel operating in Western Australian waters, as indicated below.*

The owner or owner's representative of a commercial vessel shall make a report to the Department on the specified form, a Marine Incident report, concerning any accident or damage to the vessel or any death or injury to a person occurring on the vessel.

A Marine Incident report shall be forwarded to the Department:

(a) in the case of a commercial vessel in port, within 48 hours of the occurrence; and

(b) in the case of a commercial vessel at sea, within 48 hours of the first arrival of the vessel at a port.

The marine incident report is available in Forms section of the Department of Transport web site.

<http://www.transport.wa.gov.au/imate/19590.asp#incident>

In addition the Marine Incident Report, where any commercial vessel has an incident or accident and an injury or death occurs as a result, it is a requirement for a report of the injury or death to be forwarded to the WA Department of Commerce, WorkSafe Division.

http://www.docep.wa.gov.au/WorkSafe/Content/Services/Report_an_accident_or_incident/index.htm

Department of Transport

The Commercial Vessel Safety, PO Box 402, FREMANTLE, 6959.

Phone: (08) 9216 8237 Email: Commercial.Vessels-Surveys@transport.wa.gov.au