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Agenda item 12

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SHIP DESIGN AND CONSTRUCTION

Comments on document MSC 101/12

Submitted by Australia

SUMMARY

Executive summary: This document comments on the report of SDC 6 (MSC 101/12). In particular, it comments on the status of special personnel in relation to the proposed International Code of Safety for Ships Carrying Industrial Personnel (IP) Code.

Strategic direction, if applicable: 2

Output: 2.4

Action to be taken: Paragraph 19

Related documents: MSC 96/25; MSC 99/22; MSC.418(97); SDC 6/13, SDC 6/WP.4 and MSC 101/12

1 This document is submitted in accordance with paragraph 6.12.5 of *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, (MSC-MEPC.1/Circ.5/Rev.1) and comments on paragraph 2.9 of document MSC 101/12.

Background

2 SOLAS regulation I/2(e) defines "passenger" as "every person who is not a master or a member of the crew or any other person employed or engaged in any capacity on board a ship on the business of that ship". The Code of Safety for Special Purpose Ships Code 2008 (SPS Code) was developed to address the safety of those "other person" in the above definition who are carried on board a ship with a purpose related to the business of the ship, but not related to the operation of the ship (i.e. not crew). The 2008 SPS Code defines "special personnel" as all persons who are not passengers or members of the crew or children of under one year of age and who are carried on board in connection with the special purpose of that ship or because of special work being carried out aboard that ship.

3 The Sub-Committee is developing the Industrial Personnel Code (IP Code) to address the safety of personnel who are carried on board ships and who have no engagement on the ship they are being carried on in any capacity and with no relation to the business of the ship. Industrial personnel are not to be treated or considered as passengers, nor are they covered by the definition of "special personnel".

4 At MSC 99, the Committee agreed that the aggregated total maximum number of passengers, industrial personnel and special personnel which may be carried on board in order not to require compliance with the new IP code should be 12 (MSC 99/22, paragraph 10.17.1).

5 At SDC 6, after a lot of discussion and debate, the Sub-Committee agreed that the above decision of the Committee is potentially ambiguous, confusing and/or open to different interpretations and decided to seek direction from MSC 101 (SDC 6/13, paragraphs 6.11 and 6.12).

6 Accordingly, the Sub-Committee invited the Committee to decide whether the decision made at MSC 99 should be maintained for application of the new SOLAS chapter XV and the draft IP Code (MSC 101/12, paragraph 2.9).

7 At SDC 6, Australia highlighted inconsistency between the definition of "passenger" in SOLAS chapter I and the agreed definition of "industrial personnel" in the draft SOLAS chapter XV (SDC 6/13, paragraph 6.10).

Discussion

8 Paragraph 1.3.5 of the draft IP Code (annex 1 to SDC 6/WP.4), defines "industrial personnel" as, "all persons who are transported or accommodated on board for the purpose of offshore industrial activities performed on board other vessels and/or offshore facilities". According to this definition, industrial personnel are not "employed or engaged in any capacity on board a ship on the business of that ship". To be consistent with SOLAS, persons merely "transported or accommodated" on board a ship would be considered passengers on that ship. However, the interim recommendations approved by the Committee in resolution MSC.418(97) states, "such industrial personnel should not be considered or treated as passengers under SOLAS regulation I/2(e)".

9 Australia supports the decision that "industrial personnel" are not to be considered or treated as passengers as defined by SOLAS.

10 Australia notes that while the SPS Codes are voluntary, they are instruments developed by the Organization in order to establish an equivalent level of safety to that of SOLAS and thereby achieve the objective of SOLAS by providing an agreed safety framework to all who are on board ships, irrespective of their capacity on board the ship. However, being non-mandatory, SPS Codes are not necessarily implemented globally, with the potential result that, where they are not implemented, some people may be left outside of that safety framework. Australia believes that there is an opportunity to consider whether the mandatory safety framework provided by the IP Code, when applied, can capture the existing category of people on board currently covered (or not) by the non-mandatory SPS Codes in a pragmatic manner with little or even no additional burden.

11 Effectively the two terms "special personnel" and "industrial personnel" are intended to cover physically fit personnel who are sufficiently trained and prepared in order to be able to assist in saving themselves in an emergency. In addition, considering the Committee's decision at its ninety-sixth session that the IP Code "should be based on the 2008 SPS Code" (MSC 96/25, paragraph 7.11.2), there appears no sensible reason to apply different safety

standards with different status, i.e. mandatory and non-mandatory, to vessels used for their carriage. Australia believes the fundamental intention of SOLAS is to cover all people on board ships by a mandatory minimum safety framework.

12 Referring to paragraph 3, Australia is of the view that, in making the decision to aggregate passengers, industrial personnel and special personnel to more than 12 for invoking application of the mandatory IP Code, the Committee considered that special personnel could be treated in a way similar to that applied to industrial personnel. Therefore, there is no reason why special personnel cannot be safely carried on vessels certified under the IP Code.

13 It is Australia's view that there is an opportunity to allow Administrations to address the safety of special personnel through the new IP Code.

14 Australia understands, from the work done to date as evident from the draft IP Code (annex 1, SDC 6/WP.4) and the agreements in the Working Group during SDC 6, the technical requirements of the IP Code will be at least equal to those in the 2008 SPS Code.

Proposal

15 SOLAS chapter XV and/or the IP Code should include provisions that will extend discretion to Administrations to mandate the IP Code for the safe carriage of special personnel on ships carrying industrial personnel.

16 Since the training requirements applied to special personnel by the 2008 SPS Code are, to an extent, comparable to the training requirements likely to be applied to industrial personnel, Administrations should have the ability to exercise some discretion regarding training requirements of special personnel for their carriage on ships under the IP Code. Therefore, there may not be any extra burden on the training of special personnel. Administrations will ensure training requirements of special personnel will provide equivalent protection to that of industrial personnel.

17 When a ship, certified in accordance with the IP Code, is required to carry special personnel, a number of special personnel should be included in all thresholds for the purpose of applying the regulations of the IP Code.

18 The Committee may instruct the SDC Sub-Committee to develop provisions for the new SOLAS chapter XV and/or the IP Code for the safe carriage of special personnel on ships certified in accordance with the IP Code based on paragraphs 16 and 17.

Action Requested of the Committee

19 The Committee is invited to consider discussions in paragraphs 8 to 14 and proposals in paragraphs 15 to 18 and take action, as appropriate.
