

Maritime New Zealand Guidelines

MARINE GUIDANCE NOTICE ISSUE 11 – OCTOBER 2009

ADVICE ON AMENDMENTS TO ISM CODE

(COMES INTO FORCE ON 1 JULY 2010 AND SUPERSEDES MNZ MARITIME GUIDANCE NOTICE ISSUE 5 - 2007)

This guidance is for:

- companies operating New Zealand flagged vessels under the ISM Code
- masters, officers and crew of New Zealand flagged vessels operating under the ISM Code
- Maritime New Zealand (MNZ) safety inspectors, auditors and accident investigators
- classification societies.

Purpose

The purpose of this guidance notice is to advise interested parties of amendments made by the International Maritime Organization's Maritime Safety Committee (MSC) that will affect the implementation of Safety Management Systems.

The MSC held its 85th session from 26 November to 5 December 2008 at which it made several important decisions. The revised International Safety Management (ISM) Code, adopted by Resolution MSC.273(85), will enter into force on 1 July 2010.

New Zealand Maritime Rules Part 21.6 provides that:

- (1) the owner of a ship to which this rule applies must –*
- (a) implement a safety management system complying with the International Safety Management Code; and*
 - (b) maintain a safety management system complying with the International Safety Management Code*

Summary of amendments

Details of the specific amendments to the relevant provisions of the ISM Code are attached to this guidance notice. In summary, the amendments include:

- Changing the definition of "major non-conformity" – this gives a less restrictive definition of a major non-conformity.
- Adding "assess all identified risk to its ships" in the objective.
- Adding a periodical review of the SMS as a master's responsibility (previously masters were only required to review the SMS with no periodic requirement given).
- Adding "measures intended to prevent recurrence" in the procedure for the implementation of corrective action reflecting the need to put in place both corrective and preventative actions.
- Requiring companies to identify equipment and technical systems for which sudden operational failure may result in a hazardous situation (previously, companies were only required to establish a procedure for this).

- Setting a mandatory internal audit frequency of one year (previously the requirement had been for internal audits and periodic assessment of the efficiency of the SMS).
- Introducing a need for the company to assess the effectiveness of the SMS, rather than its efficiency.
- Introducing possible 3 months extension of certificate, if a ship is not in a port (including change in the certificate form).

This summary is a general guide only. Full details of the amendments are included in Resolution MSC.273(85) and reference should be made to that document for comprehensive detail of the amendments.

Implications

Shipowners and ship managers must pay due attention to the changes, which will affect operator safety management systems, for example, the period of the internal audit is now identified as “*not exceeding 12 months*”.

Inspections and audits conducted by the Director of Maritime New Zealand on or after 1 July 2010 will include verification that all safety management systems comply with the ISM code as amended, in accordance with the requirements of Maritime Rules Part 21.6.

Further information

For more information please contact:

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AMENDMENTS TO PROVISIONS OF ISM CODE

ISM Code Part A – Implementation

1 GENERAL

1.1 Definitions

1.1.10 Major non-conformity means an identifiable deviation that poses a serious threat to the safety of personnel or the ship or a serious risk to the environment that requires immediate corrective action ~~(and includes)~~ or the lack of effective and systematic implementation of a requirement of this Code.

1.2 Objectives

1.2.2.2 ~~(establish safeguards against all identified risks; and)~~ *assess all identified risks to its ships, personnel and the environment and establish appropriate safeguards; and*

5 MASTER'S RESPONSIBILITY AND AUTHORITY

5.1.5 *periodically* reviewing the safety management system and reporting its deficiencies to the shore-based management.

7 DEVELOPMENT OF PLANS FOR SHIPBOARD OPERATIONS

~~(The Company should establish procedures for the preparation of plans and instructions, including checklists as appropriate, for key shipboard operations concerning the safety of the ship and the prevention of pollution. The various tasks involved should be defined and assigned to qualified personnel.)~~ *The Company should establish procedures, plans and instructions, including checklists as appropriate, for key shipboard operations concerning the safety of the personnel, ship and protection of the environment. The various tasks should be defined and assigned to qualified personnel.*

8 EMERGENCY PREPAREDNESS

~~(The Company should establish procedures to identify, describe and respond to potential emergency shipboard situations.)~~ *The Company should identify potential emergency shipboard situations, and establish procedures to respond to them.*

9 REPORTS AND ANALYSIS OF NON-CONFORMITIES, ACCIDENTS AND HAZARDOUS OCCURENCES

9.2 ~~(The Company should establish procedures for the implementation of corrective action.)~~ *The Company should establish procedures for the implementation of corrective action, including measures intended to prevent recurrence.*

10 MAINTENANCE OF THE SHIP AND EQUIPMENT

10.3 The Company should (~~establish procedures in SMS to~~) identify equipment and technical systems the sudden operational failure of which may result in hazardous situations. The SMS should provide for specific measures aimed at promoting the reliability of such equipment or systems. These measures should include the regular testing of stand-by arrangements and equipment or technical systems that are not in continuous use.

12 COMPANY VERIFICATION, REVIEW AND EVALUATION

12.1 (~~The Company should carry out internal safety audits to verify whether safety and pollution-prevention activities comply with the safety management system.~~) **The Company should carry out internal safety audits on board and ashore at intervals not exceeding twelve months to verify whether safety and pollution-prevention activities comply with the safety management system. In exceptional circumstances, this interval may be exceeded by not more than three months.**

12.2 The Company should periodically evaluate the (~~efficiency of and, when needed, review~~) _____ the safety management system in accordance with procedures established by the Company.

ISM Code Part B – Certification and Verification

13 CERTIFICATION AND PERIODICAL VERIFICATION

13.12 When the renewal verification is completed after the expiry date of the existing Safety Management Certificate, the new Safety Management Certificate should be valid from the date of completion of the renewal verification to a date not exceeding five years from the date of expiry of the existing Safety Management Certificate.

13.13 If a renewal verification has been completed and a new Safety Management Certificate cannot be issued or placed on board the ship before the expiry date of the existing certificate, the Administration or organization recognized by the Administration may endorse the existing certificate and such a certificate should be accepted as valid for a further period which should not exceed five months from the expiry date.

13.14 If a ship at the time when a Safety Management Certificate expires is not in a port in which it is to be verified, the Administration may extend the period of validity of the Safety Management Certificate but this extension should be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be verified, and then only in cases where it appears proper and reasonable to do so. No Safety Management Certificate should be extended for a period of longer than three months, and the ship to which an extension is granted should not, on its arrival in the port in which it is to be verified, be entitled by virtue of such extension to leave that port without having a new Safety Management Certificate. When the renewal verification is completed, the new Safety Management Certificate should be valid to a date not exceeding five years from the expiry date of the existing Safety Management Certificate before the extension was granted.

14 INTERIM CERTIFICATION

14.4.3 The Company has planned the **internal** audit of the ship within three months;

APPENDIX Safety Management Certificate

The following section has been added after the existing form.

Certificate No.

**ENDORSEMENT WHERE THE RENEWAL VERIFICATION
HAS BEEN COMPLETED AND PART B 13.13 OF
THE ISM CODE APPLIES**

The ship complies with the relevant provisions of part B of the ISM Code, and the Certificate should, in accordance with part B 13.13 of the ISM Code, be accepted as valid until

Signed
(Signature of authorized official)
Place
Date

(Seal or stamp of the authority, as appropriate)

**ENDORSEMENT TO EXTEND THE VALIDITY OF THE
CERTIFICATE UNTIL REACHING THE PORT OF
VERIFICATION WHERE PART B 13.12 OF THE ISM CODE APPLIES
OR FOR A PERIOD OF GRACE WHERE PART B 13.14 OF
THE ISM CODE APPLIES**

This Certificate should, in accordance with part B 13.12 or part B 13.14 of the ISM Code, be accepted as valid until

Signed
(Signature of authorized official)
Place
Date

(Seal or stamp of the authority, as appropriate)