

PART 21 Safe Ship Management Systems

Issue No. 21-1 31 July 1997

1. General

Maritime Safety Authority Advisory Circulars are designed to give you assistance and explanations about the standards and requirements set out in the rules. However, the notes contained in Advisory Circulars should not be treated as a substitute for the rules themselves, which are the law.

When a number such as 21.4 is referred to, this is a reference to a specific rule within Part 21.

2. Entry into force

Rule 21.1 indicates that rules 21.2 to 21.12 inclusive shall come into force on a date to be appointed by the Minister by notice in the *Gazette*. The *New Zealand Gazette* of 24 July 1997 carries notification of the making of Part 21 and indicates that rules 21.2 to 21.12 inclusive shall come into force on the 21st day of August 1997. Rule 21.13 shall come into force on 1st February 1998.

Section 1—SOLAS and Non-restricted Limit Ships of 45 metres or more in length

3. Definitions

In the definition of New Zealand ship it should be noted that a ship which would be entitled to be registered under the Ship Registration Act 1992, but is registered in another country party to SOLAS 74, is a New Zealand ship for the purposes of Part 21. However, where compliance with the *International Safety Management Code (ISM Code)* has been verified by, or on behalf of, the flag state and a Document of Compliance issued to the owner and Safety Management Certificate to the ship, those certificates may be recognised by the Director under section 41 of the Maritime Transport Act 1994. It would not be MSA's intention to issue such certificates unless we were authorised to do so by the flag state.



MARITIME SAFETY AUTHORITY
OF NEW ZEALAND

Te Mana Ārai Hauata Moana o Aotearoa

4. Verification and Certification Responsibilities

Rule 21.7 reflects the Director's responsibilities (as the "Administration") under SOLAS 74 for verifying compliance with the requirements of the *ISM Code* and issuing Documents of Compliance to owners and Safety Management Certificates to ships. The following classification societies have entered into a memorandum of agreement with the Director and are "authorised organisations" for the purposes of this section:

American Bureau of Shipping
Bureau Veritas
Det Norske Veritas
Germanischer Lloyd
Lloyd's Register of Shipping.

They may verify compliance with the requirements of the *ISM Code*, and a number of employees of each classification society are "authorised persons" having delegated authority from the Director, under the agreement, to issue Documents of Compliance and Safety Management Certificates for New Zealand owners and ships.

5. Issuance and Validity of the Document of Compliance

The Document of Compliance may be issued to a company following an initial verification that the safe management system of the company complies with the requirements of the *ISM Code* and objective evidence proving that it is effectively implemented. The verification should include objective evidence demonstrating that the company's safe management system has been in operation for at least three months, and at least three months on board at least one ship of each type operated by the company. The objective evidence should, amongst other things, include records from the internal annual audit performed by the company, ashore and on board.

A Document of Compliance may be extended to cover an additional ship type after verification of the owner's ability to comply with the requirements of the *ISM Code* for this ship type. In this context, the types of ship are those types referred to in chapter IX of SOLAS 74.

Annual verifications should include examination and verification of the correctness of the statutory and classification records presented for at least one ship of each type to which the Document of Compliance applies.

The verification required when renewing the Document of Compliance should include the checking of all elements of the safe management system with the *ISM Code*, and assessing the effectiveness of the safe management system in meeting the objectives set by the *ISM Code*.

6. Issuance and Validity of the Safety Management Certificate

The Safety Management Certificate may be issued to a ship following an initial verification of compliance with the *ISM Code*. Objective evidence demonstrating that the company safe management system has been functioning effectively for at least three months on board the ship should be available, including, amongst other things, records from the internal audit performed by the company.

In certain cases, particularly during the initial period of operation under the safe management system, it may be necessary to increase the frequency of the intermediate verification required by rule 21.7(5)(c). Also, the nature of any non-conformities may provide justification for an increase in the frequency of this verification.

The verification required for renewal of the Safety Management Certificate should include an assessment of all elements of the safe management system and how well they meet the objectives set by the *ISM Code*.

7. Interim Document of Compliance and Safe Management Certificate

Interim Documents of Compliance and Interim Safe Management Certificates may be issued for the purposes indicated in rule 21.7(8) and rule 21.7(11) respectively. Before issuing an Interim Safe Management Certificate the Director or authorised organisation will need to be satisfied that:

- (a) The Document of Compliance, including any Interim Document of Compliance, is relevant to the ship type;
- (b) The safe management system provided by the company for the ship includes all major elements of the *ISM Code* and is as assessed in the audit for the Document of Compliance or demonstrated for the Interim Document of Compliance;
- (c) The master and relevant senior officers are familiar with the safe management system and the plans for its implementation;
- (d) Instructions required to be given prior to sailing are given; and
- (e) Plans exist for an owner's audit of the ship within three months.

8. Certification Process

The owner should apply for *ISM Code* certification to one of the classification societies authorised by the Director.

Guidelines for obtaining *ISM Code* certification are published by the International Association of Classification Societies (IACS). They reflect the principles of the *IMO Guidelines on the Implementation of the ISM Code by Administrations* and provide IACS Member Societies with guidance when acting on behalf of Administrations.

9. Recognition of Certificates issued before Section One comes into force

A Document of Compliance issued to an owner and a Safety Management Certificate issued to a ship, by an "authorised organisation", prior to the coming into force of section 1, may be recognised by the Director under section 41 of the Maritime Transport Act 1994 for the issuing of a New Zealand Document of Compliance and Safety Management Certificate. The periods of validity of the certificates issued prior to section 1 coming into force would be maintained.

10. Developing a Safe Management System

Useful guidance on the important individual elements of safe management systems and their development by shipping companies in order to meet the requirements of the *ISM Code* are contained in the *ICS/ISF Guidelines on the Application of the IMO International Safety Management Code* available from:

International Chamber of Shipping and the International Shipping Federation
2-5 Minories
LONDON EC3N 1BJ

11. ISM Code influence on Survey requirements

The verification of compliance with the *ISM Code* neither duplicates nor substitutes surveys for other maritime certificates. The company is responsible for obtaining and maintaining all the certificates and documents necessary to operate the ship in accordance with relevant mandatory requirements. One of the objectives of the *ISM Code* certification is to ensure compliance with mandatory requirements related to the safe operation of ships and protection of the marine environment. Therefore, in assessing the effectiveness of the safety management system the auditor would expect to see procedures and instructions relating to compliance with mandatory requirements and records of surveys etc., but will not undertake such a survey.

Section Two—Restricted Limit Ships, Fishing Ships, and Ships of less than 45 metres in length which are not required to comply with Section One

12. General

Ships to which this section applies are to operate within a safe ship management system which is managed by an organisation which may be the owner of those ships, an association of owners of those ships, or an organisation in which representatives of the owners of the ships are able to participate in the management of the ship safety management system. The Director will need to be satisfied with the level of participation by owners or representatives of owners of ships in the system before approving a safe ship management system.

At 31 July 1997 the following safe ship management systems have been listed with the Maritime Safety Authority:

Maritime Management Services Limited
P.O. Box 54 025
Buckland's Beach
Auckland
Contact: Alan Moore, Operations Director
Simon Fraser, Chief Executive Officer
Tel: (09) 535 7702 Fax: (09) 537 4534

M & I Safety Inspection Services Limited
P.O. Box 27347
Wellington
Contact: David Nisbet, Manager, Safe Ship Management System
Tel: (04) 382 9666 Fax: (04) 382 6336 Mob: 025 465 000

S.G.S. Ships Management Systems
PO Box 13-518
Onehunga
Auckland 6.
Contact: Murray Fairweather, Manager
Tel: (09) 634 2666 Fax (09) 634 7483 Mob: 025 790 787

Survey Nelson Ltd.
RD 1
Upper Moutere
Contact: Terry Reynolds, Principal Surveyor
Tel: (03) 543 2040 Fax: (03) 543 2040 Mob: 025 396 822

Lloyd's Register Safe Ship Management System
P.O. Box 2682
Auckland 1
Contact: Nigel Johns, Principal Surveyor
Ajit Fernando, SSM/S Co-ordinator
Tel: (09) 373 3311 Fax: (09) 309 5786

13. Recognised Accreditation Bodies and Surveyors

Rule 21.11 defines recognised accreditation authorities and surveyors as being recognised by the Director for the purposes of Part 21.

Details of the criteria to be met by accreditation bodies for recognition, and which bodies have been so recognised, also details of persons who have been recognised as "surveyors" and information as to the criteria for obtaining such recognition is available, free of charge, from the Divisional Manager, Maritime Operations Division, Maritime Safety Authority, P.O. Box 27006, Wellington.

14. Audits and Inspections

Rule 21.11 defines the terms "audit" and "inspection" used in this section. Audits are undertaken to verify compliance with the ship's safety management system and an inspection is undertaken to check on the condition of the ship and its equipment. The organisation managing the safe ship management system should ensure that each are undertaken and recorded separately and the owner and ship's personnel are advised and aware if an audit or inspection is to take place.

15. Developing a Ship Safety Management System

Guidance on developing ship safety management systems for compliance with the *New Zealand Ship Safety Management Code* may be obtained from the publication *Quality/Safety Ship Management Systems for Restricted Limit Ships and Fishing Boats*. This publication and the *New Zealand Ship Safety Management Code* are available, free of charge, from the Divisional Manager, Maritime Operations Division, Maritime Safety Authority, P.O. Box 27006, Wellington.

16. Ships Entering a Safe Ship Management System Before 1 February 1998

Rule 21.10 indicates that ships, to which section 2 applies, must be in an approved safe ship management system by 1 February 1998. Ships are encouraged to enter such systems well before that date, and may be granted an exemption, by the Director, from the survey provisions of section 133 of the transitional Part X of the Maritime Transport Act 1994 on entering an approved safe ship management system.

17. Safe Ship Management Certificate

Rule 21.13(7) indicates the requirements for issue of the initial safe ship management certificate when the ship first enters the safe ship management system. Rule 21.13(11) outlines the requirements for renewal of that certificate. The latter rule also applies to issue of a new safe ship management certificate when a ship already in an approved system undergoes any of the changes indicated by rule 21.13(19).

In practice the owner would make application to the organisation managing the safe ship management system to which the ship belongs for issue or renewal of the certificate. The certificate is issued by the "authorised person" employed by that organisation.

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