

PORT & HARBOUR Marine Safety Code

N E W Z E A L A N D

Assessment of Safety Management System for _____ Harbour

September 2016

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Summary of assessment comments and questions

(references are to descriptions and pages in this report)

Description	Page ¹	Who	Details

¹ Council, port operator or both

Assessment details

SMS submitted by	
Harbourmaster	
Date received by assessment panel	
SMS prepared by	
Date, revision status and reference	

Code application and key stakeholders

Coverage and limits of risk assessment/SMS	
Harbour Harbour authority/council	
Ports Port operators	
Key trades and shipping operators	
Main facilities and berths	
Providers of marine services: <ul style="list-style-type: none">• Pilotage• Tugs and work boats• Aids to navigation	

General assessment panel comments

Introduction

Assessment report

This assessment report documents the formal review of the Safety Management System (SMS) documentation for developed by This report forms part of the process for confirming that the SMS is consistent with the standards for harbour SMS set down in the New Zealand Port & Harbour Marine Safety Code (the Code).

While the SMS assessment will be co-ordinated by the Code Secretariat, a panel of reviewers drawn from regional councils, port operators and Maritime NZ will undertake the assessment.

Code context

The assessment of the SMS is carried out in accordance with page 39 of the NZ Port & Harbour Marine Safety Code 2016 (the Code).

The primary objectives and suggested structure of the SMS are set out in the Code which can be found on the Maritime NZ website.

SMS assessment

The process for confirming that the SMS is consistent with the standard set down in the Code comprises the following steps:

1. A desk-top review of an SMS plan and other relevant documentation submitted by the Regional Council² and Port Operator.

The review (as documented in this report) and subsequent dialogue with submitters is to establish whether the SMS as described in the plan meets the requirements of the Code, specifically:

- a. That it is comprehensive and complete and contains all the key elements of a functioning SMS. This is covered in Part A of the assessment.
 - b. That the particular aspects critical to the management of navigation safety identified in Part 3 of the Code (in particular Appendix 1) are addressed and the standards set in the Code and Guidelines are met (as appropriate to the port or harbour). There should be a clear link between the standards and procedures used and the risks which have been identified and assessed. These aspects are covered in Part B of the assessment.
2. A site visit is then conducted where the Port Operator and Regional Council has the opportunity to provide more detail on elements of the SMS and to demonstrate the functioning of the SMS.

Items in Part A and Part B of the assessment below are referenced to the relevant sections of the Code.

The checklist in Appendix 1 is intended as an aide-memoire for councils, port operators to check that the SMS and supporting systems and processes cover all the aspects of port and harbour marine safety applicable to their location or operation. It is also intended to assist assessment panels when conducting site visits.

² In some cases this may be another party, such as Maritime NZ in the case of Taharoa.

Part A: SMS elements

Section 1: General

Item	SMS element	Details	Applicable section of Code	✓ ✓✓ ()	Review notes: SMS element addressed in full Addressed in part – clarification required Denotes relevant section of SMS plan
0	Document control	Identify copy holders, system for managing revisions			
1.1	Introduction	State purpose of SMS manual			
		Confirm SMS compliance with the Code			
		Identify organisations and persons/positions responsible for preparing and maintaining the SMS			
		Identify organisations and persons/positions responsible for approving the SMS			
1.2	Code requirements	State review period for SMS	Pages 38, 39		
1.3	System components	Identify SMS components and where located if in other documents	Pages 34-51 Appendix 1		

Section 2: Policy

Item	SMS element	Details	Applicable section of Code	✓ ✓✓ ()	Review notes: SMS element addressed in full Addressed in part – clarification required Denotes relevant section of SMS plan
2.1	Policy development & communication	Describe how policy is developed, approved and promulgated	Pages 35-36		
2.2	General policy	Statement of commitment to comply with the Code e.g. <ul style="list-style-type: none"> Statements in the LTCCP and council decisions are evidence of public commitment to the Code; similarly annual reports for ports Party to Code MoU 	Page 35		
		How is Code enforced and by whom?	Page 35		
		Identify any potential conflicts of interest and how managed	Page 23		
2.3	Navigational safety policy	Statement of overall policy objectives			

Item	SMS element	Details	Applicable section of Code	✓ ✓✓ ()	Review notes: SMS element addressed in full Addressed in part – clarification required Denotes relevant section of SMS plan
2.4	Supporting marine policies	Examples – pilotage, harbour management (dredging, survey, AtoN etc) traffic management, towage etc. Policies should state: Provision of service/facility How maintained How performance monitored Review process for policy			
2.5	Other policies (as applicable)	Examples – marine services, dangerous goods, environmental protection			

Section 3: Organisation and individuals

Item	SMS element	Details	Applicable section of Code	✓ ✓✓ ()	Review notes: SMS element addressed in full Addressed in part – clarification required Denotes relevant section of SMS plan
3.1	Functional structure	Description or organisational diagram showing lines of authority and reporting	Pages 33, 35, 36, 38, 40		
3.2	Individual accountabilities and responsibilities	Describe the functions of individuals or departments with respect to the SMS	Pages 34, 35, 36, 38, 40		
3.3	Duties of the organisation		Pages 34, 35, 36, 38, 40		
3.4	MOUs and delegations	Identify and describe any MOUs and delegations, contracting of services etc. Append or reference agreements as relevant.	Page 35		

Section 4: Implementation

Item	SMS element	Details	Applicable section of Code	✓ ✓✓ ()	Review notes: SMS element addressed in full Addressed in part – clarification required Denotes relevant section of SMS plan
4.1	Code application assessment	Describe briefly what was done and what the outcome was. Append or reference detailed assessment as relevant	Page 35		
4.2	Port or harbour risk assessment	Describe briefly what was done and what the outcome was. Append or reference detailed risk assessment as relevant. State when it will be reviewed.	Pages 36, 37		
4.3	Port or harbour safety plan	Describes how the risks will be controlled or managed and by whom Implementation plan for managing risks, including timetable. This should link the risks to the controls in place to manage them. This in turn should link to the SOPs (see 5.1 below).	Pages 37, 38		
4.4	Rolling SMS action plan??	Sets operational objectives with a plan of ongoing actions	Page 37		

Section 5: Risk management systems

Item	SMS element	Details	Applicable section of Code	✓ ✓✓ ()	Review notes: SMS element addressed in full Addressed in part – clarification required Denotes relevant section of SMS plan
5.1	Standard operating procedures (SOPs)	Example – pilotage, passage plans, towage, traffic management, dredging etc. Include or reference a schedule of SOPs identifying responsibility, revision date and review cycle. SOPs document and implement the risk control measures in the safety plan and introduce consistent approaches to key operations.	Page 35)		
5.2	Standard working practices (SWPs)	Apply across a range of activities e.g. permit to work.			
5.3	Emergency response	Briefly describe plan and linkages to other emergency organisations and resources. Also state how the plan is exercised. Append or reference emergency plan. Plans for marine emergencies may be part of a wider emergency response plan for the port and harbour (council or port operator emergency plans)	Pages 53, 54		

Item	SMS element	Details	Applicable section of Code	✓ ✓✓ ()	Review notes: SMS element addressed in full Addressed in part – clarification required Denotes relevant section of SMS plan
5.4	Accident/incident/near miss investigation and records	Describe the system for recording and investigating accidents and incidents, who is responsible for the system and processes for follow-up. Marine incident recording and investigation for a port operator may be part of a wider H&S reporting system.	Pages 36, 37		

Section 6: Training

Item	SMS element	Details	Applicable section of Code	✓ ✓✓ ()	Review notes: SMS element addressed in full Addressed in part – clarification required Denotes relevant section of SMS plan
6.1	Training	Describe the policy on training and the general principles followed. Areas to be covered include:	Page 37		
		Safety inductions			
		Identification of competency (what the position requires) and required skills (what training individuals need)			
		How is training provided?			
		Performance appraisal systems			
		Competence and training records			

Section 7: Audit and review

Item	SMS element	Details	Applicable section of Code	✓ ✓✓ ()	Review notes: SMS element addressed in full Addressed in part – clarification required Denotes relevant section of SMS plan
7.1	Audit – documented system for monitoring the SMS	Describe how the performance of the SMS is monitored to ensure that it is effective. Describe what reporting is done on the performance of the SMS to the Council and port management. What audits are carried out (internal and external) with what objectives? What is the basis for the audit programme in terms of audit subjects and frequency?	Pages 33-40		
7.2	Risk assessment data and archive	Describe how risk assessment data is recorded and the process for review of the risk assessment including frequency and any triggers	Pages 36,37		
7.3	SMS review	Describe the basis for ongoing review of the SMS and the triggers for review (regular, periodic, accident and incident follow up, change to operation etc.)	Pages 38,39		

Part B: Code compliance (Code page 34 and Appendix 1)

The SMS should address the following items as applicable to the particular port and harbour

Observations are noted below and where clarification is required this is identified by an asterisk (*)

Use of regulatory powers (Code sections pages 21, 22)

1. Councils should make appropriate use of their powers through bylaws and directions to regulate all vessel movements in their waters. There should be a clear link between the exercise of those powers and the risks being managed.
2. Those powers should be exercised in support of the policies and procedures in the SMS.
3. Bylaws must not be inconsistent with Maritime Rules (Parts 22 and 91).
4. Councils shall monitor compliance with bylaws and directions. The harbour SMS should have a statement on enforcement and the Council should have a clear policy on prosecution.

Hydrography (Code pages 43, 44)

1. The Harbourmaster has primary responsibility for identifying the extent and frequency of hydrographic survey required for the harbour. The SMS should describe how this is done.
2. The Harbourmaster is to ensure there is an effective system in place for publishing appropriate hydrographic information, including charts, navigation warnings etc.
3. The need for hydrographic survey should be considered if harbour operations change.
4. The Harbourmaster is to provide regular hydrographic information to LINZ for charts and publications and to the UK Hydrographic Office for inclusion in the NZ Pilot (NP51).

Prevailing and forecast conditions (Code page 44)

Systems are required to provide timely information to harbour users on prevailing and forecast wind, sea and other environmental conditions. The extent of such information will be determined from the risk assessment.

Aids to Navigation (Code pages 44, 45)

1. Regional councils, port companies and other operators are to provide aids to navigation (AtoN), as determined necessary as a result of the risk assessment. The characteristics and availability of these aids are to comply with international guidelines, as set out in Maritime NZ guidance.
2. There should be a schedule of AtoN for the harbour and records of maintenance, and a system for reporting and recording outages, so that performance can be monitored.

Anchorage (Code page 45)

1. The Harbourmaster is to identify safe anchorages and ensure they are appropriately notified and publicised.
2. Personnel who communicate with and direct vessels to safe anchorages should be appropriately trained for this role and operate according to agreed procedures.

Wrecks and abandoned ships (Code page 45)

The Regional Council should undertake a risk assessment of any wreck in or near the approached to a harbour. The Council's powers in relation to wrecks are to be exercised having regard to the risk assessment.

Works in harbours (Code page 46)

The SMS should have provision for dealing with harbour works where these may interfere with safe navigation. Provision should be included for regulation of dredges and other craft.

Harbour communications and traffic management (Code page 46) (as applicable)

1. There should be a system for passing information, advice and directions between the harbourmaster or port control and vessels in the harbour.
2. Where the risk assessment indicates a requirement for such, vessel traffic services should be established and operated in accordance with internationally agreed guidelines.

Port passage planning and guidance (Code page 47)

1. A system of passage planning should be operated which supplements bylaws and directions.
2. It should apply to all piloted and pilotage exempt vessels; and other vessels if determined appropriate as a result of the harbour risk assessment.
3. The harbourmaster should take the lead in promoting passage planning and providing general guidance on vessel movements in the harbour. Passage plans should be published and kept up to date.
4. The pilot and master must retain records of passage plans.

Pilotage and pilotage exemptions (Code pages 48, 49)

1. Pilotage is regulated under Maritime Rules Part 90 which establishes pilotage areas. Compulsory pilotage requirements in the rules are informed by the harbour risk assessments. Part 90 also specifies training requirements and provides for licensing of pilots and pilotage exempt masters. Licences and pilotage exemption certificates are issued by the Director of Maritime NZ who also approves training courses and proficiency plans.
2. Pilotage providers must ensure that pilotage services are fully integrated into the port and harbour SMS. They must ensure that the service is properly managed and take all reasonable steps to ensure a safe service.
3. The harbour SMS should identify pilot boarding and disembarkation areas and the pilotage provider must ensure that these are adhered to.
4. Pilotage providers should ensure that pilots are allocated in adequate time to prepare passage plans and systems are in place to provide pilots with all relevant information they require.

Marine services

General principles (Code page 50)

1. The SMS should cover the use of harbour craft and berthing procedures.
2. The risk assessment should identify the need for and safety management benefits of harbour craft.
3. Marine services employers and employees must meet their obligations under the Health and Safety at Work Act 2015, which include the management of fatigue and stress.

Tugs (Code page 50)

1. The need for tugs and how they are used should be established by the risk assessment.
2. Providers of tug services must ensure that those services are fully integrated into the port and harbour SMS. SOPs for tug services should be part of the SMS.
3. Tug SOPs should provide for referral to the Harbourmaster where there is disagreement between the Master and the pilot regarding tug use.

Berthing (Code page 51)

1. Port companies should develop standard berthing plans which form part of the SMS.
2. Port companies should ensure that berthing parties meet the industry's competence standards and have access to appropriate training.
3. The port company's right of refusal to berth a vessel is to be covered by SOPs (in consultation with the Harbourmaster) and needs to be exercised prudently.

Dangerous goods and harmful substances (Code page 51)

Port operators and councils should ensure that risks associated with dangerous goods and harmful substances carried aboard ships in their ports and harbours are managed effectively and that requirements in maritime and marine protection rules are complied with.

Dangerous goods: notification requirements (Code page 54)

Under [Part 24A](#) of the maritime rules, the master of a ship carrying dangerous goods must give advance notice to the Harbourmaster of the ship's arrival at a port:

- at least 48 hours beforehand if on an international voyage; and
- as soon as practicable for a ship on a coastal voyage, but it must be before entering the harbour.

Harbourmasters may decide that they only wish to be notified for certain classes of dangerous goods (such as explosives or radioactive materials), or that the notifications can be made to another party instead, such as the port operator. Such decisions should be based on a careful consideration of the risks and in the context of the wider harbour safety obligations of councils.

Oil or noxious liquid substances in bulk: notification requirements (Code page 52)

Under Section 229 of the MTA and marine protection rules Part 103, the master or owner of a ship must notify the Director or the Regional Council:

- 12 hours before their estimated time of arrival in a port and harbour if they are carrying oil or any noxious liquid substances in bulk; or
- Not less than three hours and not more than 96 hours before their estimated time of arrival if they intend to transfer oil to or from their ship.

Emergency response (Code page 53)

Port operators and councils must ensure that they have plans in place to deal with marine emergencies in their ports and harbours, and that those plans are regularly reviewed and exercised. This includes:

- dealing with fires on board a ship;
- emergencies caused by hazardous substances;
- a civil emergency, such as an earthquake or tsunami.

These plans may be part of a wider emergency response plan and likely to be integrated and co-ordinated with the plans of other agencies, such as the New Zealand Fire Service, New Zealand Police and Ministry of Civil Defence and Emergency Management.

Where port operators and councils operate commercial ships under the Marine Operator Safety System (MOSS), the emergency plans in their Marine Transport Operator Plan for the operation of their ships form part of their wider marine emergency plans. Councils also operate and exercise regional Tier 2 oil-spill response plans, which align with port and harbour marine emergency plans.

Marine pollution and ships in distress (Code page 53)

Councils ensure that the powers available to harbourmasters in a marine emergency, which could result in marine pollution, are clearly understood and are appropriately exercised.

Oil spills (Code page 54)

All oil spills must be reported by the Master of a ship to the Director or the council. Maritime NZ may detain a ship if they believe an offence has been committed such as discharging oil or a mixture containing oil.

On-scene commanders appointed under the MTA can direct New Zealand ships to take appropriate action to reduce the harm caused by an oil spill.

The *New Zealand Marine Oil Spill Response Strategy* and marine protection rules describe the roles of ship and oil transfer-site owners, councils and Maritime NZ when responding to oil spills.

Wrecked, stranded or distressed ships (Code page 54)

If a ship is wrecked, stranded or distressed, the Director can direct the master to take actions to preserve the ship, its crew and passengers, or its cargo ([Section 100](#) of the MTA). The Director can also direct the masters of nearby ships or other people in the vicinity to help.

Where the ship is within the jurisdiction of a council, directions given by a harbourmaster override the Director's orders under Section 100.

Harmful substances discharged into the sea (Code page 54)

Where a ship causes a hazard by discharging harmful substances into the sea, the Director can declare that ship a 'hazardous ship' and issue directions to the Master, owner, agent or salvor of the ship ([Section 248](#) of the MTA). They can be directed to move the ship, deal with oil or cargo aboard, or take other salvage measures. The Director can also direct the masters of nearby ships to assist the hazardous ship.

Under [Section 254](#), the Director of Maritime NZ's instructions given under Sections 248 or [249](#) override conflicting instructions given by the Harbourmaster (or any other person) under [Part 3A](#) of the MTA or under any navigation bylaws

Appendix 1: SMS checklist for _____ Port/Harbour³

✓ indicates item applicable to the SMS; n/a – indicates not applicable

Ref. indicates applicable pages of the NZ Port & Harbour Safety Code

	Page Ref.	Description	RC	Port
SMS - General				
1	33-40	SMS – overall review process, updates and revisions to documentation		
2	37, 38	Internal and external audits, performance monitoring, reporting (to management, council etc. as applicable)		
3	37, 38	ISO accreditation revalidation/renewal certification (as applicable)		
4	36-37	Risk assessment – review process, updates		
5	37	Accidents/incidents – register/reporting /recording		
6	37	Accidents/incidents – review, follow-up, actions taken		
7	37	Organisational structure, designated persons & reporting lines – changes (as applicable)		
8	35-36	Safety policies – reviews/changes		
9	35-36	MOUs and agreements – reviews/changes, still current?		
10	38	Forward work plan/actions (as applicable)		
11		Stakeholder communications - harbour safety group meetings etc.		
SMS – Specific areas				
12	21-27	Bylaw updates and change process, harbourmaster directions		
13	35	Compliance monitoring, enforcement activity, infringements etc.		
14	37	Management reporting on safety performance and enforcement		
15	46	Harbour control and communications, including NTMs etc.		
16	47	Operating limitations – changes, passage plans		
17	44	Environmental monitoring – wind, swell, tides, warnings		
18	35	Pilotage/towage – changes to SOPs, pilotage record keeping		
19	48,49	Pilotage and exemptions – training, examinations, peer review, CPE		
20	37	Training/development of marine staff (new/current)		
21	44,45	Aids to Navigation – approval for installation/changes		
22	44,45	Aids to Navigation management – maintenance and repair, registers, performance monitoring, outages and response, navigation warnings		
23	47	Management of special events, unusual/non-routine movements etc.		
24	43,44	Hydrography – regular surveys, charting incl. ENC's, NTMs (temporary/permanent)		
25	46	Dredging – capital/maintenance		
26	45	Anchorage – designation and use of		
27	51	Berths – changes to facilities, operational criteria/limitations etc.		
28	51	Moorings and moorings management		
29	46	Harbour works		
30	53-54	Emergency exercises – marine, DGs		
31		Vessel fleet management – MOSS, SOPs		

³ This checklist is intended as an aide-memoire for councils and port operators to check that the SMS and supporting systems and processes cover all the aspects of port and harbour marine safety applicable to their location or operation. It is also intended to assist assessment panels when conducting site visits.

