



Consultation Feedback Report Marine Safety (Unpowered barges) Exemption 2017

Outline

AMSA is proposing a new general exemption for unpowered barges, *Marine Safety (Unpowered barges) Exemption 2017* (Exemption 41).

Exemption 41 is an exemption specifically for unpowered barges and addresses:

- industry concerns over the impracticability of requiring compliance for unpowered barges with the NSCV Parts on machinery (Part C5A), accommodation (Part C1), safety equipment (Part C7A), communications equipment (Part C7B), and navigation equipment (Part C7C), which cannot reasonably be applied to unpowered barges given the technical characteristics of these kinds of vessels, or unnecessary given the kinds of operations unpowered barges are used for; and
- industry concerns over the impracticability of requiring compliance with the “core complement” crewing under NSCV Part E for unpowered barges.

Exemption 41 has now been made and is available on the [AMSA website](#). This exemption will commence on 1 July 2017 and will expire on 31 May 2020.

Consultation Feedback

Consultation on the proposed Exemption 41 was conducted over a four week period commencing 20 January 2017 to 20 February 2017. Feedback was sought from the general public and key stakeholders including:

- the Domestic Commercial Vessel Advisory Committee;
- the Fishing Industry Advisory Committee;
- the Maritime Agencies Forum; and
- Accredited Marine Surveyors.

The ten comments AMSA received in response to the draft Exemption 41 instrument, and AMSA’s responses, are set out in **Table 1**. Minor amendments have been made to Exemption 41 instrument to better clarify the scope of the exemption in relation to crewing and to clarify that the condition to have standby vessel only applies where the unpowered barge is not carrying a life raft or similar.

AMSA also appreciates the feedback received in response to the question regarding survey frequency for unpowered barges. Exemption 41 has been amended to provide that unpowered barges can adopt a one in five yearly survey frequency, thereby achieving greater consistency in survey standards across the fleet.

More information

AMSA will shortly be publishing guidance on the regulatory requirements for unpowered barges and Exemption 41 and will be available on the [AMSA website](#).

TABLE 1

Note Submitters names have been removed from submissions prior to publishing this report.

Comment No.	Provision / Clause	Industry comment / submission	Response to submission
1.	General	<p>Good idea and well-constructed. Suggest initial survey then a survey frequency of OOW every 5 years, with in water survey including voids in middle year... Sequence: Initial, year 1 survey no voids in water, survey in year 3 including voids, survey OOW year 5. Suggest also that this goes across whole fleet to get it even across country.</p>	<p>Thank you for your feedback. We have amended the exemption so it provides for a one in five yearly survey frequency.</p>
2.	<p>3</p> <p>Items 2 and 3 of section 4(1)</p>	<p>Dumb barges exempt or not from some out of water inspections due to having a crane may be problematic, as the base barge would not usually have a crane on board, they are walked on and off as required.</p> <p>As we have found in past exemptions, it is at times difficult to remove unpowered barges from the water.</p> <p>This may be due to the location (eg mining pond), due to the vessels geographic location, or due to the lack of facilities to remove it (larger barges).</p> <p>We would think that these vessels should be treated as low risk in regards to these out of water inspections as ALL of the internal shell plate can be monitored, and any issues readily identified by the surveyor.</p> <p>Noting that Class agree to 1 out of water in a 5 year period, if periodic internal inspections indicate that the barge is in good condition in relation to corrosion and deformation. An in water inspection which replaces an out of water may require external inspection by divers and/or thickness testing of the shell plate. Obviously if an in-water inspection indicated that there is damage or unacceptable corrosion, or that the vessel has generally be poorly maintained then an out of water should still be required.</p> <p>Agree with the "short Field move" clarification would 'area of operation' be within a port for instance? or only on a specific defined job site?</p> <p>Definition of hand holds spaced not more than 1500mm apart is a not workable for a working barge in smooth and partially smooth waters. Suggest an additional risk assessment completed for operations (regarding lack of hand rails in working section of barge).</p>	<p>Thank you for your feedback. We have amended the exemption so it provides for a one in five yearly survey frequency.</p> <p>Thank your feedback. The definition of unpowered barge has been amended and no longer uses the term "short field" move.</p> <p>Exemption 41 provides an exemption from the requirement to comply with handhold requirements in the NSCV Part C1. This exemption is provided for</p>

Comment No.	Provision / Clause	Industry comment / submission	Response to submission
			under items 2 and 3 of the table at section 4(1) of Exemption 41.
3.	General	<p>The operations carried out from unpowered barges are similar to operations from powered barges hence equally risky. These include mobile cranes and dredging equipment etc. In our view the Survey regime should be no different from powered vessels. This will assist in simplicity of the system application and controlling risks associated with the variety of operations that can be carried out from an unpowered barge. Load line surveys should also be included.</p> <p>As such the survey regime should be the same for unpowered and powered barges.</p>	Thank you for your feedback. This exemption only applies to unpowered barges. We have amended the exemption so it provides for a one in five yearly survey frequency for unpowered barges. AMSA's view is that this frequency is appropriate for unpowered barges are generally lower complexity in comparison to powered barges – for example unpowered barges do not have engineering systems for propulsion or through hull fittings. Furthermore, the range of standards unpowered barges need to be surveyed against are less than what is required for powered barges.
4.	4, 5 and 6	Recommend that it is made clearer that the NSCV sections referred to in the table are exempt. Some may be confused that these sections actually apply if not made clearer. It is noted that an in-powered barge with no persons on-board may be required to be fitted with a fire pump, there is no exemption for this?	Thank you for your feedback. To clarify, unpowered barges are exempt from complying with the Parts/subsections/clauses that are listed in the table. We have amended the heading in the table to make it clear that unpowered barges do not need to comply with the parts/subsections/clauses in the table. Fire risk category I or II vessels are not required to carry a fire pump provided they have no enclosed Accommodation spaces. See Table 16 (1).
5.	Schedule 1	The overloading of unpowered barges (both with or without cranes) is a common problem. Calculation of stability is difficult because sometime the load cannot be easily calculated. Further, under Ex38, it is reasonable to assume that the operators have minimal understanding of stability I propose a condition which requires the barges to have a load line placed at (say) 75% of the depth of the hull for a box barge, and that the load line is to be painted in 4 places on the hull. The condition should also include a requirement that the barge may not be loaded or any machinery operated on the barge with any of the 4 load lines underwater. This will allow both the operator and the MSI to instantly identify if the vessel is loaded correctly.	Thank you for your feedback. Exemption 41 does not exempt barges from the loadline requirement of MO507 should they apply, nor does exempt barges from the requirements to comply with the stability provisions listed in NSCV subsections C6A to C6C. At this point in time subsection C6B does not require a class 2 or 3 vessel less than 24m to be marked with a subdivision load line in accordance with chapter 11. Your submission will be noted for consideration in the future review of NSCV Part C6B.
6.	4	Each of the items mentioned, 1,2 and 3 makes reference to Clause 4.8 and Ch5 of C4. Both these sections of C4 mentioned makes it appear that each barge needs to be assessed against the entire section C4 and that those 2 parts mentioned are exempted. As C4 is a large section and due to be reviewed in its entirety, each barge type mentioned should have a minimum deemed to satisfied solution based on the type of barge. For	Thank you for your feedback. We will take your feedback on board when revising the relevant Parts of the NSCV to provide an appropriate technical solution for unpowered barges. We will endeavour to provide greater clarity around the requirements and associated deemed to satisfy solutions the exemption applies to in

Comment No.	Provision / Clause	Industry comment / submission	Response to submission
		instance, item 1 barges would only require certain types of fire equipment when an increased risk of fire has been identified. With regards to survey frequency, it is suggested that the following be adopted: Item 1 - out of water and periodical once every 5 years. Item 2 - periodical at years 2 or 3 and out of water and periodical at year 5. Item 3 - as per Survey level 1 vessels in NSAMS Section 4. For item 1 barges, the SMS documentation should be located on the vessel that is working in association with the item 1 barge.	the proposed guidance on unpowered barges due to be published shortly. We have amended Exemption 41 so it provides for a one in five yearly survey frequency.
7.	4	This chapter is extremely confusing in determining what is applicable to unpowered barges. It is also confusing that a barge is exempt from compliance with subparagraph 8(b)(I) but paragraphs 10(2)(b) and 12(1)(b) exempt the whole of paragraph 8. Very confusing!!! In this case it would be much clearer to state what is required rather than what is exempt.	Thank you for your feedback. To clarify, unpowered barges are exempt from complying with the Parts/subsections/clauses that are listed in the table. We have amended the heading in the table to make it clear that unpowered barges do not need to comply with the parts/subsections/clauses in the table.
8.	General	I am happy with the proposals.	Thank you for your feedback.
9.	4	Definition of unpowered barge (b) (ii) suggest foot note to clarify what a “short field” move is. Definition of machinery is required – is an anchor winch a piece of machinery or a chainsaw carried on-board. Need a threshold of what constitutes machinery.	Thank you for your feedback. The definition of unpowered barge has been amended and no longer uses the term “short field” move. The exemption provides a definition of “machinery” however will consider providing further clarity on this point in the proposed guidance and also to instructions to surveyors, as required.
10.	4 and 5	Landing Barge – Points to the definition given MO504 which only relates to a vessel that beaches for loading and unloading. A landing barge is classed as high risk, yet the higher risk activities are for those barges that remain fully afloat when loading and unloading to a wharf etc. These vessels are potentially subjected to variations in trim that exceed the permissible given in NSCV 6A Chapter 4. The problem is the definition in MO503 but obviously has the knock-on effect wherever it is referenced in this way. Suggest treatment as if NSAMS L2, but with a requirement to have one out of water survey once in every 5 year period. Unpowered barges could still be required to have collision bulkheads. Perhaps include NSCV C6B Ch 7 in the exemption.	Thank you for your feedback. The exemption does not include a definition of “landing barge” only a definition of “unpowered barge”. We have amended the exemption so it provides for a one in five yearly survey frequency. At this point in time, AMSA is not satisfied that granting an exemption against the requirements in NSCV Part C6B will not jeopardise safety. We will however consider whether an exemption should be also be provided from NSCV Part C6B when Exemption 41 and/or NSCV Part c6B are reviewed.