



Guideline

for NSW Maritime's interpretation of Section 5F
(Structural Fire Protection)
of the Uniform Shipping Laws Code

Commercial Vessels Act 1979

NSW | MARITIME




1. BACKGROUND

- 1.1 The *Commercial Vessels Act 1979* (the Act) and associated regulations require vessels used commercially in New South Wales to have a current survey permit signifying that they meet certain minimum safety standards. As delegate for the Minister for Ports and Waterways, NSW Maritime is authorised to issue survey permits for vessels deemed to have met the applicable standards.
- 1.2 In determining whether a vessel is eligible to be issued with a survey permit, the minimum standard adopted by NSW Maritime is generally the Uniform Shipping Laws Code (USLC). Section 18(1)(b) of the Act permits NSW Maritime to adopt other standards where appropriate.
- 1.3 Section 5F of the USLC deals with structural fire protection, including operational specifications and potential alternatives.

2. PURPOSE OF THIS GUIDELINE

- 2.1 This Guideline provides guidance to commercial vessel operators and NSW Maritime staff regarding NSW Maritime's interpretation of Section 5F of the USLC in relation to structural fire protection for commercial vessels subject to this section.

3. IMPACT ON PREVIOUS GUIDELINES

- 3.1 From 10 April 2008 and subject to clause 3.2 below, this Guideline replaces any previous directions, procedures or guidelines issued by NSW Maritime regarding the interpretation of Section 5F of the USLC.
- 3.2 Determinations made by NSW Maritime prior to 10 April 2008 in relation to structural fire protection remain current unless the vessel owner/operator seeks a redetermination of the structural fire protection requirements applicable to the vessel in accordance with this Guideline.

4. REQUIREMENTS FOR STRUCTURAL FIRE PROTECTION

4.1 In order to satisfy NSW Maritime survey requirements for structural fire protection, vessels must :

- (a) comply with the requirements set out in Section 5F of the USLC; and
- (b) satisfy the general requirements set out in Clause 3 of Section 5F including the provisions of Clause 3.1 regarding machinery spaces.

4.2 The vessel must also:

- (a) Satisfy the following:
 - (i) be fitted with structural fire protection in accordance with Clause 4 of Section 5F (Steel vessels) or Clause 5 of Section 5F (Aluminium vessels) of the USLC **OR** be fitted with automatic fire detectors and/or sprinklers in accordance with Clauses 6.4 or 6.5 of Section 5F depending on the type of vessel involved and its length.; and
 - (ii) have the machinery space protected by automatic fire detection system and a fixed fire extinguishing installation as required by Section 11 of the USLC, in accordance with Clause 3.1 of Section 5F. Where a water spray type of fixed fire extinguishing system is fitted then the structural fire integrity requirements of Tables 1, 2, 3 and 4 need not be adhered to for the boundaries of the machinery space; and
 - (iii) Continue to meet the requirements of Clause 3, Section 5F of the USLC;

OR

- (b) be the subject of an approval from NSW Maritime pursuant to Clause 8 Section 1 of the USLC indicating that there is an acceptable equivalent to the structural fire protection required by the USLC, on the vessel.

5. APPROVAL OF AN EQUIVALENT SOLUTION IN RELATION TO STRUCTURAL FIRE PROTECTION UNDER PARAGRAPH 4.3(b) OF THIS GUIDELINE

- 5.1 A vessel owner or operator seeking to operate a vessel under Paragraph 4.3 (b) of this Guideline must apply to NSW Maritime for approval of the proposed equivalent solution. It will be necessary to submit a proposed regime of active and passive safety measures which achieve an equivalent or better outcome to the structural fire protection requirements specified in the USLC. NSW Maritime will then determine whether the proposed regime meets an equivalent safety standard.
- 5.2 In making this determination, NSW Maritime will consider a range of matters including:
- any relevant provisions of the marine legislation; and
 - any relevant findings of a Technical Advisory Panel (TAP) convened by the National Marine Safety Committee; and
 - any previous determinations made by NSW Maritime in accordance with this Guideline.

Prior to making its determination, NSW Maritime may (but is not obliged to) refer the proposed alternative safety regime to a duly constituted TAP. Any TAP findings will be published on the NSW Maritime website.

6. APPEAL RIGHTS

- 6.1 A commercial vessel owner or operator who is aggrieved by a decision made by NSW Maritime under this Guideline affecting their vessel, may, pursuant to Section 31 of the *Commercial Vessels Act 1979*, lodge an objection in writing with the NSW Maritime General Manager Commercial Vessels showing cause as to why the decision should be reviewed.
- 6.2 If NSW Maritime decides not to uphold the objection the vessel owner or operator may, not later than 21 days after being informed of NSW Maritime's decision, give the NSW Maritime General Manager Commercial Vessels notice in writing that he/she wishes to appeal to a Marine Appeals Tribunal under Section 31(4) of the *Commercial Vessels Act -1979*.

7. EXPIRY

- 7.1 This Guideline will expire upon the adoption by the marine authority in each Australian State and the Northern Territory of the applicable provisions of the National Standard for Commercial Vessels in relation to structural fire protection.

8. COSTS

- 8.1 Any costs associated with a determination of an application under this Guideline are to be borne by the applicant.

9. GLOSSARY

9.1 In this Procedure:-

- **"The Act"** means the NSW *Commercial Vessels Act 1979* and associated regulations
- **"marine legislation"** has the same meaning as in Section 3(1) of the *Ports and Maritime Administration Act 1995*.

- **“NSW Maritime”** means the Maritime Authority of New South Wales constituted under the *Ports and Maritime Administration Act 1995*.
- **“Uniform Shipping Laws Code”** or **“USLC”** means the Uniform Shipping Laws Code administered by the Commonwealth of Australia as amended from time to time.
- **“National Standard for Commercial Vessels”** means the standard developed by the National Marine Safety Committee and endorsed by the Australian Transport Council to replace the USLC, as amended from time to time.
- **“National Marine Safety Committee”** means the National Marine Safety Committee Incorporated, constituted by the Australian Transport Council

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