



Port State Control in Australia

Introduction

The Australian Government is committed to the protection of life and property at sea and to the preservation of the marine environment. Port State Control (PSC) is one of the methods used to ensure that these objectives are achieved.

However, responsibility for the safety and operation of the ship remains with ship owners and flag State administrations.

Port State Control – what is it and why is it necessary?

The United Nations Convention of the Law of the Sea (UNCLOS) provides every nation with rights and obligations with regard to ship registration and freedom of passage both over the high seas and through coastal waters of any other nation. Some of these responsibilities are further detailed in International Conventions developed and amended by the International Maritime Organization (IMO). The most commonly adopted Conventions are:

- International Convention for the Safety of Life at Sea (SOLAS).
- International Convention for the Prevention of Pollution from Ships (MARPOL).
- International Convention on Load Lines.
- International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers (STCW).
- Maritime Labour Convention 2006

In addition to these Conventions there are numerous technical Codes and Resolutions associated with the Conventions.

An Administration offering ship registration is referred to as the “flag State”. Flag States maintain the responsibilities and obligations imposed upon them by International Conventions for ships flying their flag. The flag State must ensure that these ships comply with the conventions.

To achieve this, flag States regularly delegate some or all of the survey, certification and verification functions to

“Recognised Organisations” (RO), most commonly known as Classification Societies. These ROs have developed networks of worldwide resources to enable them to carry out delegated tasks. However, even when delegating these functions the flag State, as the signatory to the International Convention, retains ultimate responsibility.

The role of the ship owner and/or operator are critical factors, along with the flag State and RO, in ensuring that ships are fully compliant with International Convention requirements. In addition, operators and owners are responsible for ensuring ships are operated in a manner that ensures safety of the crew and the protection of the marine environment.

In a perfect world, the above mechanisms would ensure ships and shipping activities are fully compliant with all applicable requirements throughout the ship’s life. However, this is known not to be the case as some sections of industry continue to jeopardise life, property and the environment by operating unsafe ships and using less competent crews.

International Conventions and UNCLOS both give powers to States to which ships travel (known as port States) to ensure ships do not pose an unreasonable threat to the safety of the ship, its crew or the marine environment whilst in their waters.

International Conventions allow a port State to exercise some degree of “control” over ships in their waters. The mechanism whereby port States verify ships are compliant whilst in their waters is known as “Port State Control” (PSC). PSC has assumed prominence within the shipping industry, driven by frequent failures of other responsible parties to fulfill their obligations.

Port State Control in Australia

Port State Control is of particular importance to Australia due to the significant role shipping plays in Australia’s trade and the sensitivity of the vast Australian coastline to environmental damage. Australia continues to dedicate considerable resources in order to maintain a rigorous port

State control program of the highest standard. This program, administered by the Australian Maritime Safety Authority

(AMSA), employs approximately 50 Marine Surveyors strategically located at 16 Australian ports. AMSA's Marine Surveyors perform port State control inspections as well as other duties including flag State inspections, marine surveys, cargo related inspections and marine qualifications duties.

All AMSA Marine Surveyors are holders of Ships Master or Chief Engineer qualifications and/or a related degree. All surveyors undergo comprehensive training in AMSA's ship inspection procedures before commencing their duties. AMSA surveyors also act as examiners, auditors and investigators when required. They are further subjected to regular review and audits under an internal audit program specifically tailored to ship inspections. These processes are subject to external audits as part of AMSA's ISO accreditation for Quality Management (AS/NZ ISO 9001:2008), Environmental Management (AS/NZ ISO 14001:2004) and Workplace Health and Safety (AS/NZ 4801:2001).

Powers of Inspection and Detention of a Ship

AMSA Marine Surveyors may board a ship at any time to inspect and detain unseaworthy or substandard ships under s.257 and s.248 of the *Navigation Act 2012*.

Vessel Eligibility and Selection for PSC Inspection

Selection of a ship for inspection depends upon a number of factors, including environmental risk, specific complaints and AMSA's risk-based ship inspection targeting scheme. Ships become eligible for inspection every six months, however if deemed necessary, AMSA may reduce this period. AMSA's targeting system prioritises inspections primarily based upon a calculated risk factor.

AMSA's Ship Inspection Database

To assist AMSA Marine Surveyors in conducting PSC inspections, AMSA has developed a comprehensive database, referred to as Shipsys. The Shipsys database contains information received from various sources on a large number of ships. This information includes general particulars of a ship along with the PSC inspection history from within both the Indian Ocean MOU and Tokyo MOU regions.

The Shipsys database uses this data to calculate the probability of a ship being detained, expressing the result as a percentage referred to as the "risk factor". It is this calculated "risk factor" that allows AMSA to target high

risk ships and allocate appropriate resources in the most effective manner.

PSC Inspection Rate Targets

Since 1 July 2007, AMSA has applied inspection rate targets based on the calculated "risk factor" for each ship. Prior to this, inspection rate targets were based upon a broad grouping of ships according primarily to their age.

The "risk factor" calculation takes into account a number of criteria and based on this, ships are categorised into "priority" groups with each group having a specific target inspection rate.

Priority Group	Probability of Detention (Risk Factor)	Target Inspection Rate
Priority 1	More than 5%	80%
Priority 2	4% to 5%	60%
Priority 3	2% to 3%	40%
Priority 4	1% or less	20%

The PSC Report provides a summary of AMSA activities and performance of various ship types, flag States and ROs and is prepared annually and available on AMSA's website.

Although the meticulously researched targeting system is continuously maintained and forms the basis of the Shipsys system, the system is ultimately designed to be a tool for AMSA's Marine Surveyors, rather than a mandatory targeting system. AMSA holds the view that there should be no restrictions imposed on its Marine Surveyors when utilising their professional judgment to decide which ships should be inspected and the level of inspection required.

Local knowledge and professional judgment are considered vital factors when making these decisions.

For further information on Australia's PSC program may be obtained from the inspecting Marine Surveyor or by writing to:

Ship Safety Division,
 Australian Maritime Safety Authority,
 GPO Box 2181,
 Canberra City ACT 2601 AUSTRALIA

Phone: +61 2 6279 5957
 Fax: +61 2 6279 5058