



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 strategies used to ensure that these objectives are achieved, however responsibility for the safety and operation of the vessel lies with shipowners and flag States.

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 many rights and obligations with regards to vessel registration and freedom of passage both over the high seas and through coastal waters of any other nation. Some of these responsibilities are detailed in International Conventions developed and amended by the International Maritime Organization (IMO). The most commonly accepted 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).

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

The Administration offering vessel registration is referred to as the “flag State” and holds the responsibilities and obligations imposed by the International Conventions for ships entitled to fly its flag.

To achieve this, most flag States delegate some or all of these functions to “Recognised Organisations” (RO) which are most commonly Classification Societies. Such Societies have developed large networks of worldwide resources to enable them to carry out these 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 vessel owner and/or operator are also a critical factor, in addition to the flag State and RO, in ensuring that their ships are fully compliant with International Convention requirements. In addition, operators and owners should ensure that their vessels are operated in such a manner to ensure safety of the crew and protection of the marine environment.

In a perfect world, the above mechanism would be all that is required to ensure that ships and shipping are fully compliant with all requirements now and throughout the ship’s life. This however is known not to be the case.

The International Conventions and UNCLOS also give powers to countries to which ships travel to ensure that those ships do not pose an unreasonable threat to the safety of the ship, its crew or the marine environment whilst in their waters. The country in whose waters the ship is in, is known as the “port State”. The International Conventions allow the port State to exercise a limit of “control” over ships in their waters. This mechanism of verifying that ships are compliant whilst in their waters is known as “port State Control” (PSC). PSC has assumed prominence in the shipping industry, driven by the consistent failure of the other responsible parties to fully meet their obligations.

Port State Control in Australia

Port State Control is of particular importance to Australia due to the role of shipping in Australia’s trade and the sensitivity of the Australian coastline to environmental damage. As such, Australia has dedicated considerable resources to having a rigorous port State control program of the highest standard. This program is administered by the Australian Maritime Safety Authority (AMSA), which employs 42 Marine Surveyors strategically located at 14 Australian ports. These Marine Surveyors undertake port State control inspections as well as other duties including flag State inspections, marine survey, cargo related inspections and marine qualifications duties.

All AMSA Marine Surveyors are holders of Ships Master or Chief Engineer qualifications or a related degree, and are trained in AMSA’s ship inspection procedures before commencing their duties. They are also subjected to regular review and audits under an internal audit program specifically tailored to ship inspections. The processes are also subject to external audits as a part of AMSA’s ISO 9001:2000 accreditation.

Powers of Inspection and Detention of a Ship

Australian Maritime Safety Authority (AMSA) Marine Surveyors may board a ship at any time to inspect and detain unseaworthy or substandard ships under [s.190AA\(1\)](#) and [s.210\(1\)](#) of the *Navigation Act 1912*.

Vessel Eligibility and Selection for a PSC Inspection

Selection of a ship for inspection depends on a number of factors, including any risk it may pose to the environment, specific complaints and an AMSA risk-based ship inspection targeting scheme. As a general rule, ships become eligible for inspection every six months, however if felt necessary, AMSA may reduce this period. AMSA, through its targeting system, also prioritises inspections in relation to the calculated risk factor.

AMSA's Ship Inspection Database

To assist AMSA Marine Surveyors in conducting PSC inspections, AMSA has over the years developed a comprehensive database, referred to as *Shipsys*. The *Shipsys* database, contains information received from various sources on a large number of vessels. This information not only includes the general particulars of a vessel, but also their PSC inspection history from within the [Indian Ocean MOU](#) and [Tokyo MOU](#) regions.

Not only does the *Shipsys* database hold historical data, it also uses this data to calculate a numerical risk of individual ships to indicate the likelihood of the vessel being detained. This calculated "risk factor", allows AMSA to target ships appropriately and to allocate appropriate resources in the most efficient and effective manner.

Given that *Shipsys* is such an important tool in the AMSA PSC inspection program, a detailed statistical analysis of the PSC records held in the database was carried out in 2007. This analysis was conducted by an external body and utilised 10 years of data from *Shipsys*. The previous such analysis was carried out in 2002.

Although this exhaustively researched targeting system is maintained and forms the basis of the *Shipsys* system, the system is ultimately designed to be a guide to AMSA Marine Surveyors, rather than a mandatory

targeting system. AMSA holds the view that there is no restriction imposed on its Marine Surveyors utilising their professional judgment to decide on which ships should be inspected and the level of inspection required. Local knowledge and professional judgment are considered to be important factors in making these decisions.

PSC Inspection Rate Targets

As a result of the 2007 analysis, AMSA adopted revised inspection rate targets. From 1 July 2007, the revised targets became based entirely on a calculated "risk factor" for each ship. Previously inspection rate targets were based on broad grouping of ships according primarily to their age.

The new "risk factor" is a numerical calculation of the probability of a particular ships likelihood of detention. This calculation takes into account a number of criteria and based on this, ships are grouped into "priority" groups with each group having a specific desired inspection rate.

The new inspection rate targets are as follows:

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%

Further information

Further information on Australia's PSC program may be obtained from the inspecting surveyor or by writing to:

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