



MARINE INFORMATION BULLETIN

FURTHER BUILDING and ALTERATIONS – COMMERCIAL AND FISHING SHIPS

PURPOSE

The purpose of this Marine Information Bulletin is to advise members of the maritime industry what is meant in the marine legislation by "further building" and how the legislative requirements may affect them and the ships with which they may be connected.

WHAT IS BUILDING?

The term "*building*" is defined in the Schedule (Dictionary) of the *Transport Operations (Marine Safety) Act 1994* (the Act) –

"building", in relation to a ship, includes altering the ship, or replacing a part of the ship, if the alteration or replacement is declared, under a regulation, to be an alteration or replacement that may affect marine safety

Section 43 (1) of the Regulation declares building, for the purposes of the Act, as –

"alterations or replacements that may affect marine safety".

WHAT IS FURTHER BUILDING?

Section 43(2) of the Regulation then continues to declare the alterations or replacements that may affect marine safety, which are, in summary –

- Electrical systems; (Form F1588)
- Machinery and associated systems; (Form F1587)
- Stability; (Form F3292)
- Structural sufficiency; (Form F2812)
- Watertight integrity and subdivision

with the various subsections giving examples of what might be regarded as affecting those particular matters. Without limiting what may be regarded as further building, those examples include:

- any alteration to, or replacement of, electrical components or the wiring in an electrical system;
- any alteration to, or replacement of, machinery and associated systems such as engines (especially if of a different power or weight), winches, pumping systems or stern gear;

- any alteration that affects, or has the potential to affect, stability. Examples include an alteration in the position or amount of permanent ballast; an alteration to scuppers and freeing ports that may impair drainage; any alteration that causes a change in the ship's displacement, the position of the ship's centre of gravity, or its windage area;
- any alteration that might affect the structural sufficiency of the ship such as an alteration to, or replacement of, the hull; a bulkhead; the deck or superstructure; or a change that will increase the ship's speed to exceed the speed assumed to calculate the rudder and steering system;
- any alteration that may affect watertight integrity and subdivision such as an alteration to a hull; a watertight bulkhead; a deck; and enclosed superstructure; or weather tight/watertight closing devices;
- fitting of holding tanks as a requirement of ship sourced sewage legislation (may affect stability);
- any alterations to a fishing ship such as converting from trawling activities to the carriage of live fish. The fitting of live fish wells with the associated free surface movement of seawater within un baffled tanks will have an effect on the stability of the ship and consequently the safe operation of the ship. The location of the tanks may also affect the centre of gravity. Any such alteration may also affect the registration status of the ship;

If the builder is not an accredited builder then the further building must be surveyed by an accredited surveyor who, if satisfied, will issue a Certificate of Compliance for Survey covering the further building (section 57 of the Regulation)

Section 59 of the Regulation then requires that the **original** of the Certificate of Compliance **must** be forwarded to Maritime Safety **within 5 business days** after issuing the certificate.

HOW SHOULD THIS BE APPLIED?

Having said all of this, a degree of common sense needs to be applied regarding exactly what constitutes further building requiring this process to be applied. **The alteration or replacement must be such as to affect marine safety in a substantial way.** If the alteration or replacement does not, or is not likely to, substantially affect marine safety an accredited surveyor may make a decision that the work to be undertaken does not comprise further building but is routine maintenance.

CERTIFICATES OF COMPLIANCE

In cases where marine safety is **not substantially affected**, provided the replacement or repair is done with reasonable care, an accredited surveyor may decide that no Certificate of Compliance is required and, therefore, no Notice of Intention to Build would be required.

Where there is a **possibility of a negative effect on safety** if the work is not done properly, the accredited surveyor may decide that no Certificate of Compliance for Design or Stability is required but only if a Certificate of Compliance for Survey is issued.

Where there is a likelihood of a **significant effect** on safety the full process required by Section 58 must be followed.

Section 58 of the Regulation provides that if something happens to a ship that requires further building before it may be operated safely, all previous Certificates of Compliance cease to have effect. This means that it is necessary to have new Certificates of Compliance issued and if the further building was significant, then a Certificate of Compliance for each of Design, Stability and Survey will be required.

An example of such a circumstance may be where the frame of a ship needed replacement, or significant work was necessary to the superstructure. A Notice of Intention to Build would also be needed.

The following table may assist in understand the requirements and the limits of a particular marine surveyor's accreditation.

Type of Survey

Accredited Surveyor Limits	First Registration		Existing Registered Ship				Condition Surveys (e.g 'periodic survey')	
	New (1) (2)	Existing (1)	Alteration # Major (1) (2)	Minor (1) (2)	Major (1) (2)	Minor (1) (2)	Maintenance	Inspection /verifiying
Unlimited	✓	✓	✓	✓	✓	✓	✓	✓
1st Registration New Build	✓	-	-	-	-	-	-	-
1st Registration Existing Ship	-	✓	-	-	-	-	-	-
Existing ships	-	✓	✓	✓	✓	✓	✓	✓
Existing Ships in current rego.	-	-	✓	✓	✓	✓	✓	✓
Condition Surveys Only	-	-	-	-	-	✓	✓	✓

(1) Certificate of Compliance required

(2) Notice of Intent to Build required

Minor Replacement means "like for like". Without limiting the possibilities the following may be examples;

- replacement engines of the same power, type and weight in the same location
- replacement of electrical wiring to the same standard and in the same location by a licensed electrician
- minor hull repairs that do not change the ship or compromise watertight integrity

If in doubt seek advice from MSQ or an Accredited Marine Surveyor as to whether a Certificate of Compliance is required. If so, it is "major."

Major replacement involves a change to existing approved fittings that may have a significant effect on safety of the ship or its operation.

DO I NEED TO INFORM MSQ BEFORE I MAKE ALTERATIONS?

Sections 56 and 57 of the *Transport Operations (Marine Safety) Regulation 2004* (the Regulation) require that written notice of intention to build be given to the General Manager (that is, to Maritime Safety Queensland) **at least five (5) business days before** building of the ship, or further building (that is, alterations) are commenced. Accompanying the written notice of intention to build (Form F3438) **must be**

- The **original** of the certificate of compliance for the design of the ship (or part) and the plans and other documents mentioned in the certificate; or
- Particulars of the design approval certificate for the ship or part.

The requirement to notify MSQ of certain alterations or modifications is for –

- A determination to be made whether risks have been increased by the changes
- Applying appropriate standards to manage those risks
- Recording the alterations for future survey

Some alterations must be notified to MSQ even though a Notice of Intention to Build may not be required. Examples are –

- An increase in passenger numbers
- An increase in operational area

Certificates of Compliance to satisfactorily cover the extent of the alteration may be needed.

REFERENCES

- *Transport Operations (Marine Safety) Act 1994*
- *Transport Operations (Marine Safety) Regulation 2004*

CONTACTS

For any further information please contact:

Manager
Policy Implementation and Support
Ph: (07) 3120 7354.

Administrative Advice
Local Regional Office

MARITIME SAFETY REGIONAL OFFICES

Maritime Safety Regional offices may be located on www.msq.qld.gov.au – contact us – in the top right hand corner of the screen or on the Queensland Transport website www.transport.qld.gov.au "find a form" – Form No S4526.