

**NATIONAL MARINE SAFETY
COMMITTEE**

Register of Compliant Equipment

POLICY

AND

PROCEDURES

Version 5.0

Introduction

The Register of Compliant Equipment is a register of products and systems that have been approved as complying with the requirements of the Uniform Shipping Laws (USL) Code, or the new National Standard for Commercial Vessels (NSCV), which will replace the USL Code in due course.

Products and systems eligible for approval and inclusion on the Register of Compliant Equipment shall be those products and systems which are proven to meet USL Code / NSCV specifications by a recognised product certification body or testing and listing authority.

The scheme is administered by the National Marine Safety Committee (NMSC).

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1 DEFINITIONS

For the purpose of the scheme, the following definitions apply:

- (a) *Application fee* – a fee, nominated in the Schedule of Fees that must accompany an application for Approval and lodged at the time of application.
- (b) *Appraisal* – an independent technical opinion, by an organisation recognised by the NMSC, as having expert knowledge in that particular field.
- (c) *Appraiser* – an independent certification body recognised by the NMSC as experienced and competent to review and analyse the proposed equipment or system and all appropriate test results, calculations and other verification methods for the purpose of certifying compliance with the USL Code / NSCV. The Appraiser is not and has not been involved in any way in the design, production, manufacture, sale or distribution of the product or system;
- (d) *Independent Technical Expert* – in relation to the approvals process, a person who –
 - (i) is engaged to provide advice to the Register Administrator;
 - (ii) has expert knowledge in fields relevant to the application;
 - (iii) is not and has not been involved in any way in the design, production, manufacture, sale or distribution of the product or system; and
- (e) *Register Administrator* – the person or organisation acting on behalf of the NMSC, and whose responsibilities encompass the management of the approvals process for compliant products and the administration of the register.
- (f) *Register of Compliant Equipment* – a database of all approved products and systems arranged such that data can be readily accessed and updated.
- (g) *Schedule of fees* – a list of fees determined by the NMSC for application and renewal of approvals.
- (h) *State and Territory Authorities* – State and Territory authorities responsible for marine safety.

2 SCOPE AND APPLICATION

2.1 General

Products and systems eligible for approval and inclusion on the Register of Compliant Equipment shall be products and systems to which specific provisions of the USL Code / NSCV apply.

The Register is applicable to two main categories of equipment, each of which is directly referenced by a specific section in the USL Code/NSCV:

- (a) *Life Saving Appliances* -- USL Code, Section 10 /NSCV Part C Section 7A
For the purposes of listing on the Register, the LSA category includes navigation lights -- USL Code, Sections 13 and 16
- (b) *Fire Appliances* -- USL Code, Sections 5F and 11

Products and systems that lie outside the provisions of the USL Code / NSCV, such as recreational boating equipment, will be included under this scheme at a later date.

2.2 USL Code / NSCV Compliance

Compliance with the USL Code / NSCV can be demonstrated as follows. It should be noted that approval documentation or certification issued by the Appraiser must clearly show the Section and appendix/annex in the USL Code / NSCV against which the product has been approved. This is particularly important for products and systems that may have been approved by organisations outside Australia, initially for overseas applications, which may not include the USL Code.

- (a) By product certification carried out by a certifying body accredited by the Joint Accreditation Scheme of Australia and New Zealand (JAS-ANZ).
- (b) By testing and specifically listing for the purpose by a recognised, Australian-based testing and approval authority.
- (c) By submission of current type approval documentation issued by a ship classification society recognised by the Australian Maritime Safety Authority (AMSA). This documentation must include sufficient detail to satisfy all of the Appraisal Report requirements (Clause 3.3.3).
- (d) By submission of approval documentation issued by a Notified Body in accordance with the EU Marine Equipment Directive, Module B (MED-B). This documentation must include sufficient detail to satisfy all of the Appraisal Report requirements (Clause 3.3.3).
- (e) Additionally, specific to navigation lights:
 - (i) By submission of current approval documentation from a laboratory with applicable NATA accreditation or a certifying body accredited by the Joint Accreditation Scheme of Australia and New Zealand (JAS-ANZ).
 - (ii) By submission of current approval documentation from an EU member marine authority accompanied with the associated type test certificate issued by a Notified Body recognised in accordance with the EU Marine Equipment Directive, Module B (MED-B) or other test bodies recognised for the purpose by the EU member marine authority upon which the approval documentation is based.
 - (iii) By submission of current approval documentation from the U.S.Coast Guard accompanied with the type test certificate issued by a test body approved by the USCG upon which the approval documentation is based.

In (i) (ii) and (iii) above, the approval documentation must clearly indicate it has been issued on the basis of meeting the chromaticity and luminosity criteria for navigation lights specified in the International Regulations for the Prevention of Collision at Sea (COLREGS) Rule 22 and Annex 1 Para 7 & 8 including specification of the visibility of the lights in accordance with Annex 1 and include sufficient detail to satisfy all of the Appraisal Report requirements (Clause 3.3.3).

2.3 Role of the Appraiser

The role of the Appraiser is to—

- (a) Verify that product testing is conducted in accordance with predetermined standards,
- (b) Review design and installation manual, if applicable.
- (c) Identify product limitations, if any.
- (d) Verify integrity and reliability of product system, if applicable.

- (e) Have a follow-up audit program.
- (f) Publish a list of equipment, if applicable.
- (g) Provide product certification.

2.4 Alterations to Product or System

If, after registration of approval, the product or system is altered or changed in any way, the Appraiser must be advised before the change is implemented. Upon receiving such advice, the Appraiser shall determine what review, if any, is needed to maintain the validity of the approval. The Register Administrator shall determine what fees, if any, are needed to update the approval.

2.5 Registration of Approval

Listing on the Register is evidence of the following:

- (a) Compliance of the product or system in accordance with Clause 2.2.
- (b) That the applicant declares the product is audited annually to ensure ongoing product compliance and undertakes to review the results of the annual audit and inform the Register Administrator of changes to product compliance status.

This listing is recognised nationally by the State and Territory authorities.

The approval is valid for a period of five (5) years from the date of registration.

3 THE APPLICATION PROCESS

3.1 Initial Contact

Initial contact shall be made through the Register Administrator. Contact may be made through any of the following mediums:

- (a) Postal Address
- (b) E-mail/web
- (c) Phone
- (d) Fax

3.2 Documentation

The Register Administrator will provide the following documentation:

- (a) A copy of this Policy and Procedures.
- (b) The Application form.
- (c) If required, copies of the following:
 - (i) Specification and test / verification procedures from USL Code / NSCV.
 - (ii) Information on potential acceptable product certification bodies, based on the type of product or system to be approved.

3.3 The Application

A complete application shall consist of the completed Application Form and a complete Appraisal Report compiled by the Appraiser.

3.3.1 *Contents of the Application Form*

The following information will be provided on each application form, or submitted with it.

- (a) Applicants name, address, contact details, and ABN.
- (b) Where the applicant is not the manufacturer, the manufacturer's name, address, contact details and ABN (if applicable).
- (c) The name and full description of the product or system, including any sizes, varieties, composition and the like that may differentiate one product from another and any limiting qualifications or conditions.
- (d) The Section and Appendix / Annex in the USL Code / NSCV against which approval is sought.
- (e) The name, address and qualifications of the Appraiser.
- (f) A schedule listing all documentation comprising the Appraisal Report.

3.3.2 *Application Verification*

The application form shall be signed by the principal, director or authorised agent of the company endorsing that the applicant agrees with the policies and procedures of the scheme and declaring:

- (a) that the information contained in the application is correct,
- (b) that the applicant has authority to act of behalf of the product owner,
- (c) that the appliance specified in the application is audited annually to ensure ongoing product compliance and the applicant undertakes to review the results of the annual audit (see Note), and
- (d) that the applicant will advise the Register Administrator of any changes to the product or its appraisal whether the changes are evidenced during annual audit or at any other time during the period of listing (see Clause 2.4)

Note: Companies are advised of the possible legal ramifications should a product specification change, or a product be recalled, and personal injury is sustained whilst the original product is still in use.

The NSCV discusses these issues in Part A; Safety Obligations, which includes the following advice:

- (a) *Duty where manufacturer resides outside Australia*
Where the manufacturer of a product or system resides outside Australia, a supplier who imports the product or system should assume the responsibilities ascribed to the manufacturer.
- (b) *Duty of disclosure*
A supplier should ensure that any faults are identified and the Register Administrator is advised of those faults in writing, prior to the product or system being supplied. If the supplier becomes aware of any hazard or potentially unacceptable risk subsequent to supply, then the supplier should advise the Register Administrator.
- (c) *Provision of information*
A supplier should ensure that the product or system includes all relevant information relating to health and safety provided to the supplier by the manufacturer.

3.3.3 The Appraisal Report

The Appraiser shall supply an appraisal report to the Register Administrator containing the following information:

- (a) A full description of the product or system.
- (b) The appraised use of the product or system, along with any limitations or restrictions on its use.
- (c) An opinion that the appraised product or system is suitable for its appraised purpose and that it meets the requirements of the USL Code / NSCV.
- (d) The opinion shall include a summary of any tests, calculations, inspections or other evidence that forms the basis of the opinion.
- (e) If the product or system is required to be installed by a specialist installer/applicator, details of how any licence or approval are obtained.
- (f) Where appropriate, details for design, storage, installation and maintenance of the product or system.
- (g) The date of the appraisal.

4 THE APPROVAL PROCESS

4.1 Processing

The Register Administrator shall undertake the processing of all applications for the registration or renewal of approval.

4.2 Review

The Register Administrator shall check all applications for completeness of documentation and advise the applicant of any discrepancies.

The Register Administrator may enlist the services of an independent technical expert to verify that the Applicant's documentation is complete and appropriate.

4.3 Assessment

On completion of the application review, the Register Administrator shall advise the Applicant of his/her decision. If the application has been successful, the Register Administrator shall advise the Applicant accordingly and register the approval on the Register of Compliant Equipment. If the application has been rejected, the Register Administrator shall assist the Applicant in preparing a further application.

5 THE REGISTRATION OF APPROVAL

The Register shall contain the following information:

- (a) An identifying serial number.
- (b) Name and Address of the manufacturer or distributor of the product or system.
- (c) A brief description of the product or system.
- (d) The Section and Appendix or Annex in the USL Code / NSCV against which the approval is applied.
- (e) The date of registration and the expiry date.
- (f) Any limitations or restrictions on its use.

6 QUALITY ASSURANCE

It should be noted that type approval, listing and/or product certification will normally require that the Applicant have in place a quality management system to ensure that system and component design, manufacture, installation and servicing are such so as to achieve a high level of reliability in the product or system.

The use of any products irrespective of its relevance to the USL Code / NSCV must be acceptable to Australian environmental and occupational health and safety authorities.

Appraisal documentation should show that the product and individual components are compatible, employed within tested limitations and suitable for marine use.

7 WITHDRAWAL OF APPROVAL

7.1 Withdrawal

The Registration of Approval incorporates the capacity for withdrawal of approval in the following circumstances:

- (a) Changes to the product or system such that it no longer complies with the provisions of the USL Code / NSCV against which it was appraised.
- (b) Changes in the USL Code / NSCV such that the product or system no longer complies.
- (c) Changes to the product or system such that description in the original application no longer applies.
- (d) Unsatisfactory annual audit report by the Appraiser.
- (e) Withdrawal by the Applicant.
- (f) Reduction in after sales support or other change in the Applicants business status that negatively impacts on the product or system.
- (g) Misrepresentation or concealment of the facts by the Applicant or Appraiser.
- (h) Failure of the product or system in service, where it can be shown that the failure resulted from sub-standard design or manufacture.

7.2 Notice of Withdrawal

Where an approval is withdrawn, the Register Administrator shall advise the manufacturer or supplier of the reasons for withdrawal and what action is required for reinstatement.

Details of all approvals that are withdrawn shall be noted on the register for 12 months after the date of withdrawal unless the approval is reinstated. Where the approval is not reinstated, the product listing shall be removed from the register 12 months after withdrawal.

8 THE REGISTER OF COMPLIANT PRODUCTS

The Register of Compliant Products is administered and maintained by the Register Administrator.

The Register is located on the Internet at: www.nmsc.gov.au

The Register has the following facilities.

- (a) Comprehensive listings by –
 - (i) Manufacturer or supplier
 - (ii) Product details as per Clause 5.

- (b) Hot links from Manufacturers to their internet site
- (c) Full search capacity using Keywords, by –
 - (i) Name of manufacturer or supplier
 - (ii) Name of product or system
 - (iii) USL Code / NSCV Appendix/Annex
 - (iv) Descriptors of product or system.
- (d) Application Forms to download
- (e) General Information and Frequently Asked Questions