



AUSTRALIAN CUSTOMS AND BORDER PROTECTION SERVICE PRACTICE STATEMENT

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Title: Marine Technical Regulatory System.

Purpose: To establish the Marine Technical Regulatory System that ensures the technical integrity of Customs and Border Protection marine assets.

Owner: National Director Maritime Operations Support

Category: Operational Procedures

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Summary of main points

Customs Practice Statements are endorsed Customs policy and must be followed by all Customs employees. This Practice Statement outlines:

- Key objectives of the Marine Technical Regulatory System (MTRS)
- Key Features of the MTRS
- Related instructions and procedural guidelines
- Related policies and references

The electronic version published on the intranet is the current Practice Statement.

Introduction Statement

1. Customs and Border Protection marine assets comprise the sea-going fleet of eight 38 metre *Bay Class* vessels, three contract vessels (and their associated tenders) that operate within Australia's Exclusive Economic Zones (EEZ), and a number of smaller vessels and Remotely Operated Vehicles (ROV) that operate within the inshore zone (up to 15 nautical miles).
2. Technical regulation is how confidence is established in the processes by which the requisite levels of fitness for service, safety and environmental compliance (technical integrity) of the assets are achieved.

Scope

3. The MTRS covers all Customs and Border Protection marine assets¹ and all sections within Customs and Border Protection (and contractors) that are involved in the technical management of marine assets over the asset life cycle (specifically during design, construction and maintenance).
4. This Practice Statement specifically applies to staff in the following areas:
 - a. Maritime Operations Support Division
 - b. Enforcement and Investigations Division

Policy Statement

5. The MTRS is established to ensure that the risk to technical integrity of the Customs and Border Protection marine assets is being managed. All work undertaken with regard to design, construction and maintenance of Customs and Border Protection marine assets is to be in accordance with the MTRS.

Overview

6. All decisions relating to Customs and Border Protection marine assets that have an implication on the technical integrity of the asset must have engineering input from an appropriate and competent Technical Authority. The level of the Technical Authority relates to the risk to technical integrity associated with the decision.
7. The MTRS utilises a risk based approach to technical integrity therefore Customs and Border Protection marine assets must be designed, manufactured and maintained:
 - a. To approved standards
 - b. By competent² and authorised persons,
 - i. Who work within an organisation with a structured management system (which encompasses all engineering activities and covers systems, people, process and data), and
 - ii. Whose work is certified as compliant with standards.
8. The MTRS is subordinate to the mandatory regulatory requirements administered by the Australian Maritime Safety Authority (AMSA) (derived from both the International Maritime Organisation and the National Standard for Commercial Vessels) and the requirements of any classification societies classifying Customs and Border Protection marine assets. Indeed the MTRS is a means of providing assurance to AMSA and classification societies that Customs and Border Protection is meeting its regulatory obligations.

¹ A Customs and Border Protection marine asset is defined as an asset intended for use by Customs and Border Protection in the marine (on water) environment. Customs and Border Protection assets include Bay Class vessels and tenders, Customs and Border Protection small craft and marine equipment (including those installed on contract vessels), ROVs, and related spares, repair parts and support necessary to equip, maintain and support Customs and Border Protection marine activities.

² Competency involves knowledge, skill, attitude and experience.

Elements of the Marine Technical Regulatory System

9. The MTRS is comprised of the following elements:

- a. **Promulgation of Requirements in Instructions and Guidelines.** Requirements for the MTRS are promulgated in Instructions and Guidelines that comprises of mandatory requirements and advisory guidance. Relevant sections are to develop and implement management processes consistent with the requirements of the MTRS as appropriate to their designated activities.
- b. **Application of risk management principles.** Assessment and control of technical hazards and risk is fundamental to the effective management of technical integrity. Technical risk assessments are to be applied to all technical processes and decisions throughout the life cycle. Risk assessments will ensure appropriate levels of regulation are applied to technical activities.
- c. **Application of systems engineering, configuration management and engineering change processes.** Systems engineering is an interdisciplinary approach and means to enable the realisation of successful systems and is used as a framework for the MTRS process, in particular, Configuration Management. Configuration management is fundamental to the management of technical integrity. It is the means by which the integrity and continuity of equipment is recorded, communicated and controlled. Engineering change processes are used to manage the risk during change as change involves uncertainties.
- d. **Data and information management.** A significant risk to technical integrity may occur if inappropriate or inaccurate technical data and information is used during design, construction and maintenance. Therefore data and information relating to Customs and Border Protection is to be managed to ensure its completeness, accuracy, accessibility and appropriateness.
- e. **Assignment of technical authority.** Engineering decisions are to be informed by appropriate engineering advice. This advice is to be provided by competent and authorised persons (both within and external to Customs and Border Protection) with an assigned authority based on the risk to technical integrity associated with the decision. Details of technical authority levels and the related competencies will be detailed in Instructions and Guidelines.
- f. **Requirements for Organisations.** Engineering decision need to be made as the result of structured and appropriate processes and systems to reduce the risk to technical integrity. Therefore organisations (at the appropriate level) are to have a structured auditable management system. The minimum standard to be used is AS/NZS ISO 9001:2000, however any AS/NZS, ISO or recognised international maritime standard appropriate to the work activities or work environment may be used.
- g. **Certification³.** The Customs and Border Protection philosophy of technical regulation is that organisations (internal and external) responsible for delivering supplies or services provide written assurances that the materiel for which they are responsible complies with regulatory requirements. Maximum use of

³ The act of issuing a certificate, or other documented objective evidence, that provides assurance that an entity, including product, service or organisation, complies with a stated specification, standard or other requirement

existing maritime standards and certification requirements is to be followed to reduce the certification burden.

- h. **Compliance.** Assurance needs to be provided that systems, processes and activities comply with the requirements of the MTRS and the systems and processes are being followed. The compliance mechanism to be used will depend on the circumstances of the applicable organisations but as a minimum would consist of a third party audit of the organisations management system.
- i. **Advise and Report.** Sound engineering is based on many judgements, none of which are negligent, but also none are infallible. The MTRS promotes a culture of review proportional to risk. In addition, as the MTRS complements Administrative Authority, circumstances may arise when operational requirements or Administrative authority overrides technical solutions, advice or judgement. When the technical adviser identifies that these decisions compromise technical standards or threaten technical integrity, the Chief Marine Engineer (CME) or representative is to be advised promptly of the full circumstances of the issue.

Related Instructions and Guidelines

MTRS Instructions and Guidelines.

Risk Management

Related policies and references

PS 2008/23 - Risk Management

Customs and Border Protection Corporate Plan

Customs and Border Protection Risk Management Plan

Navigation Act and Marine Orders

Uniform Shipping Laws Code (USLC)/National Standard for Commercial Vessels (NSCV)

Det Norske Veritas (DNV) Ship Survey Requirements

Key roles and responsibilities

10. The CME is responsible for the MTRS and its ongoing management, although the CME may delegate the day to day operation of the MTRS to an appropriate person. The CME is also designated as the Principal Technical Authority within the MTRS, whose role is to identify positions that require a level of technical authority, assess the incumbent (or candidate for the position) and assign the appropriate level of technical authority.

Consultation

External Consultation

- Flag and regulatory authority Australian Maritime Safety Authority (AMSA)
- Classification society Det Norske Veritas (DNV)
- Prime contractor Defence Maritime Services (DMS)

Internal Consultation

The following internal stakeholders have been consulted in the development of this Practice Statement:

- Maritime Operations Support Division
- Enforcement & Investigations Division

Approval

Approved on	18 August 2009	Original Signed
By	Roxanne Kelly National Director Enforcement and Investigations	
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