

# Schedule



## PORT SAFETY PLAN GUIDELINES

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Version 1.0

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# 1 PREAMBLE

## 1.1 Title

Port Safety Plan Guidelines

## 1.2 Authority

These guidelines are made pursuant to Section 32 of the Ports Management Act.

## 1.3 Application

These guidelines apply to Port Safety Plans prepared for designated ports in accordance with the requirements of the Ports Management Act.

## 1.4 Applicable Legislation

- *Navigation Act 1912 (Cth)*
- *Marine Act*
- *Marine (Pilotage) Regulations*
- *Ports Management Act*
- *Work Health and Safety (National Uniform Legislation) Act*
- *Dangerous Goods Act*
- *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*

## 1.5 Applicable Standards

- *AS 3846:2005 – The handling and transport of dangerous cargoes in port areas*
- *International Maritime Dangerous Goods Code*
- *AS/NZS ISO 31000:2009 – Risk management principles and guidelines*
- *AS/NZS ISO 9000:2006 – Quality management systems – Fundamentals and vocabulary*
- *AS/NZS ISO 9001: 2008 – Quality management systems – Requirements*
- *AS/NZS 4801:2001 – Occupational health and safety management systems – Specification with guidance for use*
- *The International Management Code for the Safe Operation of Ships and for Pollution Prevention (the ISM Code)*
- *The Australian Port Marine Safety Management Guidelines*
- *Technical and Safety Standards for Pilotage and the Provision of Pilotage Services*

## 1.6 Relevant Safety Regulation Agencies

Commonwealth and Northern Territory Acts and Regulations are administered by a range of regulatory bodies, the most relevant to Port Operators being the Australian Maritime Safety Authority, Regional Harbourmaster and NT Work Safe.

## 1.7 Objective

The purpose of these guidelines is to assist Port Operators in developing Port Safety Plans by describing;

- The nature of a Port Safety Plan (PSP),
- The form and content of PSPs;
- The requirements for and approval of PSPs; and
- PSP compliance audit requirements.

## 2 DEFINITIONS

**Compliance Audit** – is an audit of the Port Operator's activities, operations and premises to determine whether the port operator is complying with the whole or any part of the Port Safety Plan for the port.

**Pilotage Authority** – means the person who is, or is appointed to be, the pilotage authority for the port pursuant to Section 66 of the Ports Management Act.

**Pilotage Services Provider** – means a person appointed under section 85(1) of the Ports Management Act to be a pilotage services provider for the port. The Pilotage Services Provider carries on the operation of providing pilotage services.

**Port Management Officer** – means a person appointed under section 22 of the Ports Management Act to be a Port Management Officer.

**Port Operator** – means the entity declared by the Minister under section 8 of the Ports Management Act to be the operator of the port.

**Regional Harbourmaster (RHM)** – means the person appointed to be the regional harbourmaster for the port under section 19(1) of the Ports Management Act.

**SMS** – A SMS is a comprehensive and integrated system for managing health and safety risks at a major hazard facility.

## 3 NATURE OF A PORT SAFETY PLAN

A Port Safety Plan (PSP):

- Describes the legislative and standards environment and how they apply to the port;
- Describes the port's land and waters;
- Identifies the roles, responsibilities and authorities of the stakeholders in port safety;

- Identifies the nature and extent of the safety hazards and risks associated with the operation of the port that are reasonably likely to cause death or serious injury to any person or loss of, or serious damage to, property or the environment;
- Assesses the likely impact of those hazards and risks on the port and the surrounding area;
- Specifies the measures and strategies to be implemented to eliminate or reduce those hazards or risks;
- Describes the system that the Port Operator has in place for implementing those measures and strategies, including the issue and enforcement of any port notices;
- Sets out the processes proposed to involve tenants, licensees and service providers in the port with the implementation of the plan by the port operator; and
- Sets out the procedures proposed for implementing, reviewing and revising the plan.

## 4 FORM AND CONTENTS OF PSPs

PSPs are not necessarily stand-alone documents. They may be integrated or cross-referenced with other port plans and systems, as long as all requirements are met and can be audited.

In the event that a port is a Major Hazard Facility and consequently required to have a Safety Management System (SMS), the PSP will likely constitute a component of the port's SMS and should be a superordinate document that sets out the framework of the SMS. The SMS will consist of a number of documents and processes that cumulatively form the port's system of managing safety. This approach would be most useful for ports that have numerous tenants, licensees and service providers who have varying environmental and safety duties. It is expected that Port Operators who use this approach would focus the bulk of their PSP on how port management processes work to reduce risks and hazards. More detailed risk and hazard analysis of specific port operations would be cross-referenced to the equivalent plans of individual tenants, licenses and service providers (where relevant).

### 4.1 Legislation and Standards

The PSP should identify all relevant Commonwealth and Territory legislation and provide a brief explanation of the obligations prescribed therein.

Similarly, all applicable standards should be identified and applied. Where a PSP deviates from a standard, the reason for the deviation should be justified in the PSP.

## 4.2 The Port Land and Waters

A PSP must identify by description, map or plan the area or areas of the port lands and waters to which it applies. It must identify any areas of the port where responsibility for management or control is shared with a tenant, licensee or service provider and that parties will take up their responsibilities for those areas to the extent that they apply.

The description, map or plan must clearly identify and locate:

- Port Area boundaries (land and water);
- Key facilities and infrastructure;
- Tenancies and other areas of joint or shared responsibility;
- Storage areas, specifically those which may contain dangerous goods or hazardous materials; and
- Any other key features.

## 4.3 Responsibilities and Authorities

A PSP should include advice regarding the nature and extent of the responsibilities and authority of each of the safety management stakeholders.

It should also detail the mechanisms necessary:

- To discharge the duties and exercise the powers given, both directly and by delegation;
- To ensure that adequate financial, material and personnel resources are available;
- To review performance against strategic and operational objectives, plans and budgets.
- The relevant (safety management) functions of committees and subcommittees or other consultative groups.

## 4.4 Hazards, Risks and Controls

A PSP must identify the nature and extent of the hazards and risks associated with the operation of the port.

There will be a wide range of hazards arising from port operations and multiple hazards may exist in one location or arise from one operation. Different hazards and risks may occur at different times or interact to result in a range of unwanted outcomes.

To develop and underpin this section of the plan, the Port Operator must undertake a comprehensive hazard and risk identification process that identifies the nature and extent of hazards and risks within the port area, including the hazards and risks that could result in an emergency that may be of high consequence.

Where part or parts of the port area are primarily managed or controlled by a tenant, the Port Operator must actively encourage the tenant to undertake this process for that area and must, to the extent possible, incorporate or reference that work in the PSP.

Having identified the risks that are reasonably likely to cause death or serious injury to any person or loss of, or serious damage to, property or the environment, the Port Operator must formulate risk controls that mitigate the risks to As Low As Reasonably Practicable (ALARP). The PSP should include a description of the risk threshold determination process and criteria.

Where Emergency Management Plans exist, they must be integrated with or referenced in the PSP. Where they do not currently exist and where significant residual risk is identified, consideration should be given to the extension of risk controls to include emergency response and recovery measures and/or the development of specific Emergency Management Plans.

A PSP must nominate the person or position who is responsible for implementing risk controls.

## 4.5 Involving Stakeholders

A PSP must set out the processes to be followed to involve tenants, licensees and service providers in the port with the implementation of the PSP.

With respect to the safety of persons, the Port Operator, as a Person Conducting a Business or Undertaking (PCBU) under the Work Health and Safety (National Uniform Legislation) Act has a duty to consult, cooperate and coordinate activities with other duty holders. It also has a duty to consult with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health or safety.

The aim of a PSP is to ensure that, as far as practicable, effective risk management systems are in place across the whole port. This will only occur if there is appropriate involvement of tenants, licensees and service providers in their development and implementation.

The Port Operator will be able to exercise varying levels of control over areas and activities in the port. It is expected that PSPs will reflect this reality by incorporating fully developed risk management systems for some parts of the port and by referencing responsibilities and the risk controls in place in other parts of the port.

Port Operators may have more limited obligations to conduct hazard and risk identification and assessment processes or implement controls in port areas that are under the primary management or control of tenants, licensees or service providers. However, Port Operators are expected to take reasonable steps to engage with and influence, within the bounds of their legal and commercial powers, tenants, licensees and service providers to ensure that operations in areas of the port for which those parties have primary control are covered by effective safety management plans or systems.

For other activities, Port Operators may have overlapping or concurrent duties with tenants, licensees or service providers, for example Port Operators may still have to assess and control risks in areas under the nominal control of a tenant, licensee or service provider if the Port Operator's employees or contractors have access to those areas.

Processes to involve tenants, licensees and service providers in the development of a PSP might include:

- Regular communication and information exchange with tenants, licensees and service providers promoting integrated/coordinated whole of port safety risk management;
- Participation of tenants, licensees and service providers in workshops and other joint exercises to identify and assess hazards and risks and coordinate implementation of appropriate control strategies;
- Incorporation of PSP-related requirements into current and/or new tenancy agreements;
- Incorporation of PSP-related requirements into 'common user agreements', licences and other relevant commercial/access agreements; and
- Establishment and maintenance of safety management committee/s in the port.

Port Operators are expected to actively encourage and support tenants, licensees and service providers to undertake their own risk management processes and planning. This work should be integrated with, or referenced in, the PSP.

When tenant agreements, leases, licences or any other form of agreements to operate in or access areas of the port are entered into, negotiated or reviewed, it is expected that the Port Operator will take the opportunity to review and incorporate appropriate safety management planning and consultation requirements into the agreement.

Where a port has multiple tenants, licensees and service providers whose operations impact on the broader risk profile of the port, it is expected that the Port Operator will establish a formal safety management or advisory committee or committees to promote information sharing, coordination of effort and whole of port implementation of PSP requirements and directions. Relevant regulatory agencies may also be invited to join these committees.

## **4.6 Implementing, Reviewing and Revising the Plan**

### **4.6.1 Management systems**

Port Operators should ensure that appropriate management systems are in place to provide a formal, documented basis for maintaining the existing controls and implementing the new controls that are identified in the PSP.

### **4.6.2 Incident register**

Port Operators are the central information point for all operations within the port area and there is an expectation that they will be informed of safety incidents.



Port Operators should put in place agreements or procedures with tenants, licensees and service providers for reporting of safety incidents and maintain a register of incidents. This includes incidents that occur within the port area (for example, on land, water and on vessels) under the control and management of the Port Operator, port tenants, licensees and service providers. Although it is recognised that Port Operators may not be in a position to require reporting of incidents from tenants, licensees and service providers they are expected, at a minimum and where possible, to be required to demonstrate that they have taken reasonable steps to encourage cooperation in this process.

#### 4.6.3 Reviews and revision

Port Operators must review and, as appropriate, revise its PSP, and Port Operators will be audited against this requirement. Port Operators should update PSPs to have appropriate regard to any external and internal developments that may impact on the plan's relevance and ensure that measures and strategies to prevent or minimise risks are being effectively implemented and maintained.

Port Operators should undertake a review of their PSP at least annually.

Port Operators must undertake a review of their PSP:

- Following regular reviews and audits, demonstrating appropriate consideration has been given to any recommendations for improvement
- When there is any significant change in the nature or scale of an activity conducted at the port
- When significant new hazards or risks are identified/introduced.

## 5 PREPARATION AND APPROVAL OF PSPs

### 5.1 Preparation

The Port Operator of a designated port must, no later than 60 days after declaration as Port Operator submit a Port Safety Plan for the port to the Regional Harbourmaster for approval.

The Port Operator of a designated port must, no later than 1 month before each anniversary of its declaration as Port Operator, review its Port Safety Plan and submit a draft revised Port Safety Plan to the Regional Harbourmaster for approval.

The Regional Harbourmaster may, at any time, by written notice given to a Port Operator, direct the Port Operator to review or amend the Port Safety Plan.

### 5.2 Approval

Within 60 days after receiving a draft, or amended, Port Safety Plan the Regional Harbourmaster must either approve the plan or return the plan to the Port Operator for amendment as directed.

The port operator must, within 30 days after receiving a returned draft, resubmit the plan as directed to the Regional Harbourmaster for approval.

## 6 COMPLIANCE AUDITS

The Regional Harbourmaster may, by written notice given to the Port Operator, direct that a compliance audit is to be conducted. Otherwise, the Port Operator is to arrange for compliance auditing at a period not exceeding 3 years.

Unless specified otherwise, the compliance audit must determine whether the Port Operator is complying with the whole of the Port Safety Plan.

The Port Operator is to seek the Regional Harbourmaster's approval of a person to conduct a compliance audit. The Regional Harbourmaster must be satisfied that the person has the appropriate qualifications or experience in safety assessment or safety management to conduct the compliance audit.

The compliance auditor shall report, in writing, to the Regional Harbourmaster (with a copy given at the same time to the Port Operator) the outcomes of the compliance audit and the auditor's recommendations (if any) about:

- Any changes required to the operations of the port to comply with the plan; and
- Any suggested amendments to the plan



**Captain Tony O'Malley**  
Regional Harbourmaster

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