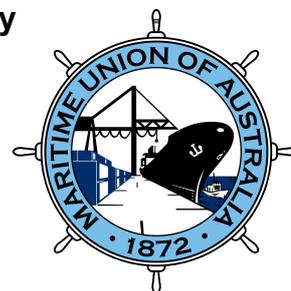


# Vessel Inspections – guide for delegates and HSRs

## Ship inspections are one of the most important aspects of safety on the waterfront

When a ship arrives it must be inspected thoroughly to identify safety hazards - even if we have worked it many times before.

HSRs and delegates should be involved in these inspections. It is well recognised that worker involvement means better safety.



## Your rights to inspect

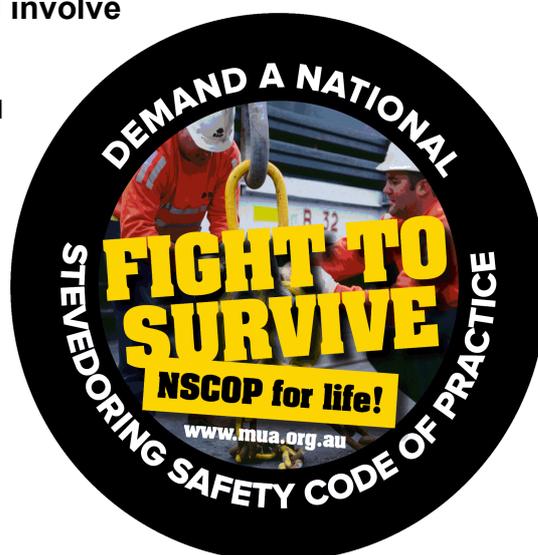
Under Australian law, health and safety representatives have a legal right to inspect any part of the workplace, at any time, after giving reasonable notice.

## Employers have a legal obligation to consult and involve workers

At the same time, employers are legally required to consult and involve workers, and their representatives, when identifying hazards and assessing risks.

This duty applies at every stage of the risk management process:

- when inspecting the workplace to identify hazards;
- when assessing risks;
- when deciding what controls should be used;
- when implementing and reviewing those controls;
- whenever changes are proposed – such as manning levels or work processes – that may affect safety
- after a near miss or incident; and
- at any other relevant time



The table below sets the legislation that applies in each state and territory.

State	What legislation applies?	HSR's right to inspect the workplace	Employer's duty to consult and involve workers and HSRs
<b>NSW, Qld, NT and Tas</b> (Tas from Jan 2013)	<i>Work Health and Safety Act 2010</i> (NSW, Qld, NT and Tas)	Section 68	Section 47 and 49(a)
<b>South Australia</b>  (likely to join the other states some time in 2013)	Occupational Health, Safety and Welfare Act 1984 (SA)	Section 32(1)(a)	Section 34
<b>Victoria</b>	Occupational Health and Safety Act 2004 (Vic)	Section 58(1)	Section 35
<b>Western Australia</b>	Occupational Safety and Health Act 1984 (WA)	Section 33(1)(a)	Section 19(1)(c)

## Download template vessel inspection checklists from the MUA website

Don't reinvent the wheel. Download best practice examples of inspection checklists from the safety page on the MUA website [www.mua.org.au/safety](http://www.mua.org.au/safety).

## Report defective ships on the new MUA Vessel Deficiency Register

When you identify safety problems on a ship make a quick report in the MUA's new online [ship deficiency register](#). It is easy to use, takes about 5 minutes and you can do it from your phone. The union will pass on the details to delegates in onward ports in Australia or New Zealand. To make a report, go to [www.mua.org.au](http://www.mua.org.au) and follow the links.

## Seven steps to a successful inspection

1. Make a formal request to be included in inspection
2. Workforce should be aware of request. Get the support of your workmates. Request to be public
3. Use a template vessel inspection checklist. Examples are available on the safety page of the MUA website [www.mua.org.au/safety](http://www.mua.org.au/safety).
4. Report the outcomes of the inspection to workforce.
5. Inform supervisors of any safety shortcomings.
6. Trained HSRs can issue PIN notices. A PIN notice is a legally binding direction requiring an employer to fix a health and safety issue.
7. Depending on the breach, you can also report issues to AMSA and/or the health and safety regulator in your state.

## What if the employer refuses to let HSRs participate the inspection?

If the employer says you can't do the inspection, or says you have to do it your own time, they may be breaching their duty to consult and involve workers. Remember, employers have a legal duty to consult and involve workers in identifying and managing risk.

Elected and trained health and safety reps can issue a 'PIN notice' for failure to consult. That will get their attention. Make sure you get support from your workmates first.

## Useful resources

<b>MUA website</b>	Useful tools and materials can be downloaded from the safety page on the MUA website: <a href="http://www.mua.org.au/safety/">http://www.mua.org.au/safety/</a>
<b>AMSA</b>	AMSA, the Australian Maritime Safety Authority, is the maritime safety regulator. Their main focus is marine safety, rather than workplace safety, but many of their safety rules affect our safety on the job. AMSA makes and enforces marine orders. See here for more info: <a href="http://www.amsa.gov.au/Shipping_Safety/Standards_and_Regulations/">http://www.amsa.gov.au/Shipping_Safety/Standards_and_Regulations/</a>
<b>Marine Orders</b>	These are a type of government regulation. Made and enforced by AMSA, these are legally binding and have the full force of law. For example, Marine Order 32, which sets out the rules for cargo handling equipment, applies directly to stevedoring. See here for a full list of all marine orders currently in force: <a href="http://www.amsa.gov.au/Shipping_Safety/marine_orders/Marine_Orders_currently_in_force.asp">http://www.amsa.gov.au/Shipping_Safety/marine_orders/Marine_Orders_currently_in_force.asp</a>
<b>Codes of Practice</b>	Codes of Practice explain in detail how to comply with the Act. They are not mandatory, but if an employer is not complying, it is evidence that they may have breached the Act or Regulations. Right now, MUA members are campaigning to achieve, for the first time, a <a href="#">national code of practice for stevedoring safety</a> . Other codes can be very useful, for example the <a href="#">Consultation Code of Practice</a> , and the code on <a href="#">How to Manage Health and Safety Risks</a> in the workplace. Code of practice can easily be found on the internet. Just google 'code of practice' + 'fatigue', for example, and they will pop up. If there is no code on a particular topic in your state, it is OK to use one from another state as a guide.

## For assistance in gaining access to ship inspections contact your MUA branch