

# Safety Information



A branch  
of Transport  
Safety  
Victoria

## INFORMATION FOR PERSONS AND ORGANISATIONS INVOLVED IN THE MANUFACTURE, SUPPLY AND IMPORTING OF RECREATIONAL VESSELS INTO VICTORIA.

### Australian Builders Plate Compliance Inspection Program 2018-2019

As detailed in this document, Maritime Safety Victoria will be carrying out a compliance inspection program to assess duty holder compliance with Australian Builders Plate (ABP) requirements for recreational vessels sold in Victoria. This program of work will continue until May 2019.

The aims are to ensure that:

- Relevant vessels for sale have ABPs fitted
- That the plates are legible and close to the helm where they can be seen when the vessel is operated
- That the information values on the plate appear to conform with the referenced technical standard.

Where there is reason to believe that requirements are not being met, manufacturers may be asked to provide copies of calculations and test reports which support the listed values. Non-compliance with the ABP requirements may result in regulatory action, including the use of improvement and prohibition notices.

The enclosed document provides details on the regulatory framework which applies in Victoria to the requirements for fitting of ABPs and the provision of safety information. It outlines the compliance inspection program and provides relevant extracts from the legislation.

If you have any questions regarding the ABP and your obligations, please contact the Maritime Technical Services team at MSV on (03) 9095 4424.

Sincerely,

Martin Jaggs  
Manager Maritime Technical Services  
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### SAFETY DUTIES RELATING TO THE AUSTRALIAN BUILDERS PLATE (ABP)

*Maritime Safety Victoria (MSV) supports the Director, Transport Safety (Safety Director), a statutory office established under section 171 of the Transport Integration Act 2010 (Vic).*

**The purpose of this publication is to provide guidance on how you, as a manufacturer and/or supplier of recreational vessels in Victoria, can meet your obligations under the Marine Safety Act.**

#### **What is the current Standard?**

The current ABP standard is the *National Standard for the Australian Builders Plate for Recreational Boats (Edition 4, May 2011)* ("ABP Standard").<sup>1</sup> In Victoria, it is a requirement that relevant newly built vessels being offered for sale in trade or commerce comply with the ABP Standard.

#### **What does an Australian Builders Plate do?**

The ABP is intended to enhance the safety of persons on a recreational boat. It should achieve this by providing the owner/operator of a vessel with essential safety information about the boat's performance (regarding loading and carrying capacity), the maximum engine size and power output and, for vessels up to 6 metres in length, the buoyancy characteristics.<sup>2</sup>

#### **Safety duties**

Chapter 2 of the *Marine Safety Act 2010 (Vic)* places safety duties on a range of people and organisations that are involved in the maritime sector. [See appendix 1.]

This Chapter adopts the concept of 'So Far As Is Reasonably Practical' (SFAIRP) in relation to Safety Duties.

An extensive guidance note is currently in development, that will provide practical examples of ways in which stakeholders (designers, manufacturers, suppliers, repairers and modifiers of vessels and marine safety equipment) can meet their Safety Duty requirements.

The values and other safety critical information on the ABP are considered to form part of the information requirements in this part of the Act. The provision of inaccurate information is considered a breach of this clause, and therefore, a breach of safety duties.

#### **What is the requirement in Victoria?**

In Victoria, it is a requirement that all newly built vessels being offered for sale in trade or commerce must comply with the ABP Standard. This means that, unless they are exempt, they should have an ABP fitted.

This requirement is considered a Safety Duty as established in Section 26 of the *Marine Safety Act 2010 (Vic)*: *Safety duties in relation to design, manufacture and supply of vessels*. [Appendix 1.]

Specific ABP requirements are legislated under Section 102 of the *Marine Safety Act 2010 (Vic)*: *Offence to supply vessel which does not comply with Australian Builders Plate Standard*. [Appendix 2.]

Part 11. of the *Marine Safety Regulations 2012 (Vic)* further modifies ABP requirements, in relation to the details that must be recorded on the ABP for vessels sold in Victoria, and by varying the scope of

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<sup>1</sup> The National Standard for The Australian Builders Plate for Recreational Boats (Edition 4.) is available to download at: [http://www.anzsbeg.com.au/files/7214/4920/4748/ABP\\_Ed\\_4.pdf](http://www.anzsbeg.com.au/files/7214/4920/4748/ABP_Ed_4.pdf)

<sup>2</sup> Length must be measured in accordance with the ISO 8666 standard (as stipulated in the ABP Standard)

vessels that are exempt. [Appendix 3.]

### **Who calculates the information that is displayed on the ABP?**

In Victoria, the information is determined by:

- the builder of the vessel, or
- a “*competent person*”, or
- the importer of the vessel into Australia from overseas

The name of the person, and the capacity in which they have determined the information, must be shown on the ABP.

Note: A “*competent person*” is defined in the ABP Standard as “*a person who has acquired through training, qualification, experience, or a combination of these, the knowledge and skills enabling that person to competently determine and approve the information on a builders plate.*”

### **Which boats are required to have an ABP?**

The ABP Standard contains a full breakdown of which vessels are required to have an ABP fitted. In Victoria, this breakdown is further modified by the *Marine Safety Regulations 2012*. [See appendix 4. for further details]

### **Where can I obtain blank plates?**

The ABP Standard allows the use of any plate that is of a size and shape that meets the requirements of the ABP Standard.

### **Compliance monitoring by the regulator**

MSV is currently engaged in an ABP Compliance Inspection Program designed to assess compliance with the ABP Standard by duty holders operating in the recreational vessel manufacturing and retail sector in Victoria. MSV conducted an ABP audit program throughout 2017-2018, which will inform the 2018-2019 Compliance Inspection Program.

Last year’s program identified the following important generic points, that manufacturers or other competent persons need to be aware of when calculating values for the ABP.

- The ABP Standard requires that the values listed on the ABP are calculated in accordance with one of three nominated technical standards. The current version of the relevant technical standard must be used, as standards are regularly reviewed.

(For example, Australian Standard AS1799 - 2009 now determines the body mass of an adult to be 80 kg when calculating maximum loading values – this is an increase from the previous AS1799 standard figure, which was 75 kg.)

- When assessing ABP values, all parts of the technical standard are to be considered. For example, a mass-based calculation may allow X persons to be carried, but this needs to be checked against any tests or other assessments such as stability, seating arrangements, flotation and load calculations as required by the chosen technical standard. The value used must be one which complies with all relevant provisions.
- The terms of the technical standard should be adhered to when making calculations.

For example, AS1799 and the ABYC standard deem an outboard motor of any given power output to have a certain mass that is specified by tables in the standard. This mass includes a loading for batteries, portable fuel tanks and other fittings. The deemed mass for the maximum

powered motor should be used when calculating loading masses.

- Where there are ambiguities, technical standards should be interpreted conservatively (the “conservative principle”). Maximum values for loading (passengers, carry-on load and engines) and engine power that appear on the ABP should not exceed the figures calculated by using the relevant technical standard.
- An ABP must be placed conspicuously so that it can be seen from the helm, and the information should be clearly legible to the operator. We have observed vessels for sale in Victoria which carry plates that are difficult to find and not observable from the helm. We have also identified near-illegible plates due to the means used to mark the plates (for example scratching not engraving) and the values not being in a contrasting colour to the plate. These examples constitute non-compliance with the ABP Standard.
- Part 9.4 of the ABP Standard has an example of a discretionary warning that recommends reducing passenger numbers and loads in bad weather or exposed areas. In line with the “conservative principle”, the Safety Director strongly recommends that this warning or a similar fitness for purpose statement should appear on all ABPs.
- Part 8.1(h) of the Standard allows the manufacturer to fit and nominate LEVEL or BASIC flotation to vessels under 6 metres in length, regardless of the requirements of the technical standard. It is suggested that manufacturers consider fitting LEVEL flotation to their vessels as it provides a superior level of flotation performance and thus safety.
- There is an expectation by MSV that the competent person listed on the ABP maintains copies of calculations, test results and any other documentation which supports the derivation of the values which appear on a vessel’s ABP, and that copies of these documents are readily available.

This documentation may be requested as part of the MSV Compliance Inspection Program, in line with the requirements of *Section 26 (1)(c) i, Marine Safety Act 2010 (Vic)*.

### **2018-19 ABP Compliance Inspection Program**

In response to issues detected in the 2017-2018 ABP Audit Program, MSV will be conducting a number of ABP Compliance Inspections throughout 2018-2019. MSV staff will conduct inspections of Victorian vessel retailers and manufacturers to monitor compliance with the Marine Safety Act 2010 in respect to relevant Safety Duties and vessel ABPs.

Where non-compliance is detected, MSV may initiate a range of regulatory actions. This may include the use of Improvement and Prohibition notices or prosecution.

## APPENDIX 1.

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### Marine Safety Act 2010 (Vic)

#### S.26 (1)(a) Safety duties in relation to design, manufacture and supply of vessels

(1) A person who designs, commissions, constructs, manufactures, supplies, maintains, repairs or modifies a recreational vessel must-

(a) ensure, so far as is reasonably practicable, that the vessel is safe if it is used for a purpose for which it was designed, commissioned, constructed, manufactured, supplied, maintained, repaired or modified;

(b) carry out, or arrange the carrying out, of such testing and examination as may be necessary for compliance with this section;

(c) in the case of a vessel to which paragraph (a) applies, take such action as is necessary to ensure that there will be available in connection with the use of the vessel adequate information about-

(i) the use for which the vessel was designed, commissioned, constructed, manufactured, supplied, maintained, repaired or modified; and

(ii) the results of any testing or examination referred to in paragraph (b); and

(iii) any conditions necessary to ensure the vessel is safe if it is used for a purpose for which it was designed, commissioned, constructed, manufactured, supplied, maintained, repaired or modified.

## APPENDIX 2.

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### Marine Safety Act 2010 (Vic)

#### S.102 Offence to supply vessel which does not comply with Australian Builders Plate Standard

(1) A person must not in trade or commerce supply a recreational vessel of a prescribed class that does not comply with the Australian Builders Plate Standard that applies (with or without modification by the regulations) to a vessel of that kind.

(2) In this section-  
trade or commerce includes any business or professional activity whether or not carried on for profit.

## APPENDIX 3.

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### Marine Safety Regulations 2012 (Vic)

#### PART 11—Australian Builders Plate Standard

##### R. 132 Definitions

In these Regulations-

- **Builder** has the same meaning as it has in the Australian Builders Plate Standard;
- **Competent person** has the same meaning as it has in the Australian Builders Plate Standard;
- **Owner builder**, in relation to a vessel, means an individual who builds the vessel for the individual's own use;

- **Second-hand vessel** means a vessel that has been used otherwise than-
  - (a) in the course of being built or tested; or
  - (b) by an owner builder; or
  - (c) by the builder only; or
  - (d) for the purpose of transporting it for sale; or
  - (e) for the purposes of demonstrating it to a purchaser.

**R.133 Prescribed class of recreational vessel**

For the purposes of section 102 of the Act, a recreational vessel other than the following kinds of recreational vessel is a recreational vessel of a prescribed class-

- (a) a vessel listed in clause 3.2 of the Australian Builders Plate Standard;
- (b) a vessel built for export from Australia;
- (c) a second-hand vessel;
- (d) a personal watercraft that is designed to carry 3 or more persons if the following information is written on or attached to the personal watercraft in a clearly visible place-
  - (i) the total weight of persons and equipment that the vessel may carry (expressed in kilograms), as recommended by the builder of the vessel;
  - (ii) the maximum number of persons the vessel may carry, as recommended by the builder of the vessel.

**R.134 Modification of Australian Builders Standard**

(1) For the purposes of section 102 of the Act, the Australian Builders Plate Standard is modified as specified in sub regulations (2) and (3).

(2) A requirement in the Australian Builders Plate Standard to the effect that information in a builders plate fixed to a vessel must be determined by the builder of the vessel is to be read as a requirement that the information must be determined by—

- (a) the builder of the vessel; or
- (b) a competent person; or
- (c) the person who imported the vessel into Australia from overseas.

(3) A requirement of the Australian Builders Plate Standard to the effect that information on a builders plate for a vessel must include the name of the builder of the vessel is to be read as a requirement that the information must include—

- (a) the name of the person who determines the information under sub regulation (2); and
- (b) the capacity in which the person determines the information.

**APPENDIX 4.**

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**The National Standard for The Australian Builders Plate for Recreational Boats (Edition 4, 2011)**

**Part 3.2 APPLICATION**

This standard is applicable to any recreational boat, except for those types of craft listed below.

- aquatic toys
- amphibious vehicles
- canoes, kayaks, surf skis or similar vessels designed to be paddled – this exception is only for boats that, as designed and built, cannot be fitted with an outboard motor
- hydrofoils or hovercraft
- pedal-powered craft
- Personal Watercraft designed to carry up to two people
- racing boats

- rowing shells used for racing or rowing training
- sailboards
- sailing vessels
- submersibles
- surf rowing boats
- vessels more than 24m in length

### **8.3 INFLATABLE BOATS**

Clauses 8.1 and 8.2 shall apply to inflatable boats except where the boat—

a) has a plate attached to it in accordance with European Directive 94/25/EC – Recreational Craft Directive (as in force from time to time) that certifies that the vessel complies with the requirements of that Directive; or

b) has a plate attached to it in accordance with the requirements of the US National Marine Manufacturers Association set out in the NMMA Certification Handbook (as in force from time to time) that certifies that the vessel complies with the requirements of that Handbook.

## **MARINE SAFETY REGULATIONS 2012 (Vic)**

### **R.133 Prescribed class of recreational vessel**

For the purposes of section 102 of the Act, a recreational vessel other than the following kinds of recreational vessel is a recreational vessel of a prescribed class-

- (a) a vessel listed in clause 3.2 of the Australian Builders Plate Standard;
- (b) a vessel built for export from Australia;
- (c) a second-hand vessel;
- (d) a personal watercraft that is designed to carry 3 or more persons if the following information is written on or attached to the personal watercraft in a clearly visible place-
  - (i) the total weight of persons and equipment that the vessel may carry (expressed in kilograms), as recommended by the builder of the vessel;
  - (ii) the maximum number of persons the vessel may carry, as recommended by the builder of the vessel.