



Submission 004

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The Maritime Union Of Australia

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14 June 2011

The Hon Sharon Bird MP
Chairperson
House of Representatives Standing Committee on Infrastructure and Communications
PO Box 6021
Parliament House
CANBERRA ACT 2600

Emailed for attention of Committee Secretary

Dear Committee Chairperson

Re: Inquiry into the Navigation Amendment Bill 2011 giving effect to the ILO Maritime Labour Convention

The Maritime Union of Australia (MUA) strongly supports the intent of the Bill, which, if passed will represent a major watershed in Australian shipping, and will have profound implications for the regulation of shipping and of seafarers in Australia. Australian ratification of the ILO Maritime Labour Convention (MLC), which will be significantly advanced by the Bill when passed and in effect, will represent a significant milestone in the restoration of Australia as a maritime nation and in advancing the ILO concept of decent work in the shipping industry.

The amendments to the Navigation Act giving effect to the ILO MLC will also be an important feature of the revitalisation of Australian shipping being progressed by the Australian Government following a Parliamentary Inquiry into Australian shipping policy and regulation and a subsequent policy commitment during the 2010 Federal election, which was followed by the release of a Government Discussion Paper entitled *Reforming Australia's Shipping* on 1 December 2010.

We note of course that the Bill provides only the barest framework for giving effect to the ILO MLC, and that it will be the regulations/marine orders made under the amended Navigation Act where the detail of the Convention's obligations will be given effect. In that context the union remains concerned about the details in relation to:

- The regulation of seafarer placement organisations.
- Qualifications for seafarers, and in particular Ships Cooks, noting that the MUA has proposed as part of the current review of the Maritime Training Package that a VET qualification for Chief Cook (Certificate Level IV) and Cook (Certificate Level III) be developed.
- Accommodation standards for trainees.

- The role of the International Transport Workers Federation (ITF) in compliance and enforcement.

We urge the Committee to recommend early passage of the Bill and completion of the Australian ratification process so that Australia is one of the original 30 countries whose ratifications are registered, which will ensure that the MLC will come into force for Australia at the same time as it comes into force generally. There are a number of reasons in our view why expeditious ratification is important:

First and foremost, it will enable Australia to commence implementation, irrespective of the status of the Convention internationally, and as a result will indicate Australian commitment to improve labour standards on its ships in the domestic and international spheres and promote decent work for seafarers.

Second, it will provide a practical demonstration of Australian commitment to the Convention that will help consolidate Australian standing in the ILO, which was diminished during the period of the Howard Government, and which has had to be rebuilt under the Rudd and Gillard Governments.

Third, and notwithstanding the comments of the Joint Standing Committee on Treaties (JSCOT), it will show regional leadership consistent with the Australian Government's partnership with the ILO in promoting decent work in the Pacific region and Australia's regional development and regional security strategy.

Fourth, ratification of the Convention is an important adjunct to reform of the Australian shipping industry, and other maritime reforms commenced by the Government, which aim to improve the competitiveness of Australian shipping, both domestically and internationally. Just as the Convention aims to lift the standards of international shipping, thus reducing the competitive gap between the quality end of the shipping industry and the substandard end of the industry, the reform of Australian shipping also aims to reduce the competitive gap between domestic and international shipping, this improving competitiveness in the domestic and international freight markets, and providing incentives for investment in Australian shipping. The Government and COAG commitment to move to a single national regulator for maritime safety, along with the reform of seafarer qualification and licensing pathways will complement the implementation of the Convention in Australia.

The union makes the following comments on the Bill.

First, we wish to express disappointment that the Government has not adequately reflected the objectives of the ILO MLC, and in particular its rights based foundation in proposed amendments to the Navigation Act. We believe at the very least that the Navigation Act should be amended by inclusion of a new Subsection 2, Objects, which inter alia reflects the objectives of the Convention as set out in Articles III and IV of the Convention, which underpins its very existence and rationale.

Second, we ask the Committee to recommend that the Parliament clarify that the use of the word "port" in the substituted definition of international voyage provided at Item 55 which amends Subsection 187A(1) to ensure it means, inter alia, a place within Australian waters so that there can be no doubt that a ship located for example, at an offshore oil and gas facility or at an offshore loading place (such as iron ore at a floating

loading facility off SA) is covered by the definition. We note that while “port” is defined in the *Navigation Act 1912* as including a place and harbour, we are aware of confusion within Commonwealth agencies as to what is meant by the usage of the term “port”.

Third, we propose that in relation to new section 206XH that provides for the granting by AMSA of exemptions from the requirements of the Act (which includes regulations and orders under the Act) as proposed by Item 70, that relate to working and living conditions on board the ship, the Bill be amended to provide that any such exemptions granted by AMSA be published for the information of seafarers. Such a provision would be consistent with the amendments proposed in Item 8 that amends S53 which ensures that information about conditions of employment to be made available to the master and seafarers on board a ship.

I look forward to being advised on your report to the Parliament arising from the Inquiry.

Yours sincerely

Paddy Crumlin
National Secretary