

Rural & Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Estimates 2015 - 2016
Infrastructure and Regional Development

Question no.: 197

Program: n/a

Division/Agency: Australian Maritime Safety Authority

Topic: Crew removal from the MV Portland

Proof Hansard Page: 139 (8 February 2016)

Senator Conroy, Stephen asked:

Senator CONROY: When was the decision of HP Ship Management to remove the ratings and tapering crew? When did the event at approximately 1 am on 30 January 2016 come to your attention?

Mr Kinley: I would have to take the exact time and date on notice but it would have been sometime in December. We were advised in December that the company were wishing to amend their safe manning document for the ship in order to change the category of seafarers from integrated ratings to ratings, engine room and deck.

Answer:

The Australian Maritime Safety Authority (AMSA) was not advised of arrangements made by the Ship Management Group to change crew on 13 January 2016. AMSA became aware of the change of crew through reports in the media following departure of the vessel to Singapore. Neither the Ship Management Group nor the master is required to notify AMSA prior to departure.

Rural & Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Estimates 2015 - 2016
Infrastructure and Regional Development

Question no.: 198

Program: n/a

Division/Agency: Australian Maritime Safety Authority

Topic: Communication with the Department

Proof Hansard Page: 140 (8 February 2016)

Senator Conroy, Stephen asked:

Senator CONROY: Did you have any communication with the Secretary of the Department of Infrastructure and Regional Development or any other officer of that department on becoming aware of that action, either before it occurred or afterwards?

Mr Kinley: I know that there would have been a communication at some point. Again, I personally—

Senator CONROY: To whom?

Mr Kinley: I would have to take on notice who, exactly, was notified and when. But, as a matter of courtesy, I am assuming that we would have let them know that this was happening.

Senator CONROY: The Secretary of the Department of Infrastructure and Regional Development, or someone within his department?

Mr Kinley: Again, I am sorry. I should just say that I will take that on notice and give you the dates and times of communications.

...

Senator CONROY: As a matter of courtesy, as you have already put on the *Hansard*, you would have notified them after you received the request?

Mr Kinley: I am assuming so, but I will have to go and check.

Answer:

Following departure of the MV Portland on 13 January 2016, an officer from the Australian Maritime Safety Authority (AMSA) had communications with the General Manager, Maritime and Shipping Branch, Department of Infrastructure and Regional Development.

AMSA's process for assessing minimum safe manning documents is independent of the Department and the legislation administered by the Department. AMSA did however notify the Department of the amended Minimum Safe Manning documents on 13 January 2016.

Rural & Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
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Infrastructure and Regional Development

Question no.: 199

Program: n/a

Division/Agency: Australian Maritime Safety Authority

Topic: Communication from AMSA

Proof Hansard Page: 140-141 (8 February 2016)

Senator Conroy, Stephen asked:

Senator CONROY: Mr Mrdak, did anyone at the table, or anyone that you are aware of, receive a courteous note from AMSA?

Mr Mrdak: Not to my personal recollection, but, again, I will check.

Ms Zielke: Senator, I took on notice earlier to follow up in relation to exchanges that we had at the time.

Senator CONROY: You indicated that, at the time after you became aware of it in the media, you contacted AMSA about some claims. What AMSA are now saying is that they contacted the department, they believe, much earlier than when the actual events took place.

Mr Kinley: I would have to confirm that. That is just my thinking, and I have not confirmed that with any of my staff, so that is my mistake.

Senator CONROY: You are very courteous, Mr Kinley. I am sure your organisation was courteous with the department. So no-one in the department has any recollection of an earlier contact from AMSA on this issue?

Ms Zielke: I am happy to take that on notice and come back. I will confirm what the situation is.

Answer:

Please see 198.

Rural & Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Estimates 2015 - 2016
Infrastructure and Regional Development

Question no.: 200

Program: n/a

Division/Agency: Australian Maritime Safety Authority

Topic: Communications

Proof Hansard Page: 141 (8 February 2016)

Senator Conroy, Stephen asked:

Senator CONROY: Did you have any communication about this action either before it occurred or afterwards with an officer of any other Commonwealth department or agency or with any Victorian state department or agency? Mr Kinley?

Mr Kinley: I will have to take that on notice.

Answer:

No.

Rural & Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Estimates 2015 - 2016
Infrastructure and Regional Development

Question no.: 201

Program: n/a

Division/Agency: Australian Maritime Safety Authority

Topic: Minimum Safe Manning Document

Proof Hansard Page: 141 (8 February 2016)

Senator Conroy, Stephen asked:

Senator CONROY: Is it possible to get a copy of the amended safe manning document? I understand the original one was on 5 November 2004, which was the one that was amended. Is it possible to get a copy for the committee of the amended document?

Mr Kinley: We should be able to. I just have to check the usual privacy issues and what have you, but I cannot see why I cannot give that to you.

Answer:

A copy of the amended Minimum Safe Manning Document issued on 14 December 2015 was tabled in the Rural and Regional Affairs and Transport References Committee public hearing into the *Increasing use of so-called Flag of Convenience shipping in Australia* on 23 February 2016.

Rural & Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Estimates 2015 - 2016
Infrastructure and Regional Development

Question no.: 202

Program: n/a

Division/Agency: Australian Maritime Safety Authority

Topic: STCW Certificates

Proof Hansard Page: 141 (8 February 2016)

Senator Conroy, Stephen asked:

Senator CONROY: Can you provide the committee with copies of the International Maritime Organization's International Convention on Standards of Training, Certification and Watchkeeping for Seafarers compliance certificates held by each member of the ratings and catering crew that were engaged to sail the MV *Portland* to Singapore on 13 January 2016, including details of the vocational institution that provided the training that led to the relevant registry issuing the IMO STCW convention compliance certificates, and the name of the ship registry which issued each of those certificates? I am happy for you to take that one on notice.

Mr Kinley: I can certainly tell you they were certificates issued by the Indian administration in accordance with the STCW convention. I can tell you that we carried out authenticity checks on those certificates, in accordance with the requirements of the marine orders. In fact, the requirements of the Indian administration for ratings training actually exceed the minimum in the STCW Convention. I would have to take advice on whether I can actually give you copies of their certificate, because, again, we run into privacy issues with individuals in naming them. We may have to redact actual names.

Answer:

Copies of the Standards of Training, Certification and Watchkeeping (STCW) Convention certificates of competency for each of the ratings and catering crew are at [Attachment A](#). The personal information and photographs of the seafarers have been redacted.

A list of the vocational institutions that provided training relevant to the STCW Convention certificates is as follows:

Seaman 1	Mumbai Maritime Training Institute
	Sir Momamed Yusuf Seamen Welfare Foundation
Seaman 2	NUSI Maritime Academy
	Arya Marine Academy
	B.P. Marine Academy
	Ramana Academy of Maritime Studies
Seaman 3	SCMS Maritime Training Institute
	B.P. Marine Academy
	Suraksha Marine
Seaman 4	Arya Marine Academy
	Mumbai Maritime Training Institute
	B.P. Marine Academy
Seaman 5	MMC Mumbai Campus
	Ramana Academy of Maritime Studies
	B.P. Marine Academy
	International Maritime Academy

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

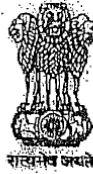
Additional Estimates 2015 - 2016

Infrastructure and Regional Development

Seaman 6	Ocerc Academy
	SNS Maritime Institute
	Mumbai Maritime Training Institute
	B.P. Marine Academy
	Vankri Marine Academy
Seaman 7	International Maritime Academy
	St Xavier's Technical Institute
	B.P. Marine Academy
Cook	AIMS Institute of Maritime Studies

The ship registry responsible for the issuing of certificates is the Government of India.

Attachment A – Copies of the Standards of Training, Certification and Watchkeeping Convention certificates of Competency for each of the ratings and catering crew.



GOVERNMENT OF INDIA
CERTIFICATE OF COMPETENCY
AS

RATING FORMING PART OF NAVIGATIONAL WATCH
(Regulation II/4 of STCW Convention)

CERTIFICATE ISSUED UNDER THE PROVISIONS OF THE MERCHANT SHIPPING ACT, 1958 (44 OF 1958) AND THE INTERNATIONAL CONVENTION OF STANDARDS OF TRAINING CERTIFICATION AND WATCHKEEPING FOR SEAFARERS, 1978, AS AMENDED IN 1995.

The Government of India certifies that _____ has been found duly qualified in accordance with the provisions of regulation II/4 of the STCW Convention as amended and has been found competent to perform the following functions at the levels specified, subject to any limitations indicated:-

FUNCTION	LEVEL	LIMITATIONS APPLYING (IF ANY)
Navigation	Support	NONE

The lawful holder of this certificate may serve in the following capacity or capacities specified in the applicable safe manning requirement of the Administration:-

CAPACITY	LIMITATION APPLYING (IF ANY)
Rating forming part of navigation watch	NONE

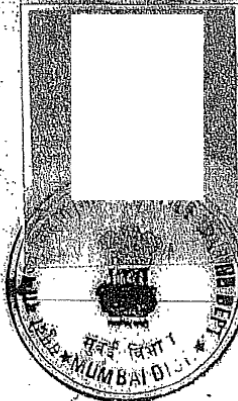
Certificate No. _____ Issued on: 25-06-2001

The Original of this certificate must be kept available in accordance with regulation I/2, Paragraph 9 of the Convention while serving on a ship.

Date and Place of birth of holder of certificate: _____

Signature of the holder of the certificate: _____

Photograph of the holder of the certificate



TRUE COPY

(Signature of duly authorised officer)

(CAPT. R. K. MUDULI)
Name of duly authorised officer



सत्यमेव जयते

GOVERNMENT OF INDIA
CERTIFICATE OF COMPETENCY

AS
RATING FORMING PART OF NAVIGATIONAL WATCH
(Regulation II/4 of STCW Convention)

CERTIFICATE ISSUED UNDER THE PROVISIONS OF THE MERCHANT SHIPPING ACT, 1958(44 OF 1958) AND THE INTERNATIONAL CONVENTION OF STANDARDS OF TRAINING CERTIFICATION AND WATCHKEEPING FOR SEAFARERS, 1978, AS AMENDED IN 1995.

The Government of India certifies that _____ has been found duly qualified in accordance with the provisions of regulation II/4 of the STCW Convention as amended and has been found competent to perform the following functions at the levels specified, subject to any limitations indicated:-

FUNCTION	LEVEL	LIMITATIONS APPLYING (IF ANY)
Navigation	Support	NONE

The lawful holder of this certificate may serve in the following capacity or capacities specified in the applicable safe manning requirement of the Administration:-

CAPACITY	LIMITATIONS APPLYING (IF ANY)
Rating forming part of navigation watch	NONE

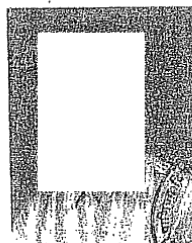
Certificate No. _____ Issued on 25/02/2009

The Original of this certificate must be kept available in accordance with regulation I/2 Paragraph 9 of the Convention while serving on a ship.

Date and Place of birth of holder of certificate _____

Signature of the holder of the certificate _____

Photograph of the holder of the certificate _____



Official Seal

TRUE COPY



(Signature of duly authorized officer)

CAPT. PRAMOD KUMAR

नौदीपक सचिव, सह, उप नौबहन महानिदेशक (नौचिकी)
Nautical Services, Joint Director of Naval Stores (Tech.)
समुद्री वाणिज्य विभाग, मुंबई

Dr. Rajanish, RASSH
Pag. No
85943
MARS MIDPamMumbai



GOVERNMENT OF INDIA
CERTIFICATE OF COMPETENCY
AS
RATING FORMING PART OF ENGINE-ROOM WATCH
(Regulation III/4 of STCW Convention)

CERTIFICATE ISSUED UNDER THE PROVISIONS OF THE MERCHANT SHIPPING ACT, 1958(44 OF 1958) AND THE INTERNATIONAL CONVENTION OF STANDARDS OF TRAINING CERTIFICATION AND WATCHKEEPING FOR SEAFARERS, 1978, AS AMENDED IN 1995.

The Government of India certifies that _____ has been found duly qualified in accordance with the provisions of regulation III/4 of the STCW Convention as amended and has been found competent to perform the following functions at the levels specified, subject to any limitations indicated:-

FUNCTION	LEVEL	LIMITATIONS APPLYING (IF ANY)
Engineering	Support	

The lawful holder of this certificate may serve in the following capacity or capacities specified in the applicable safe manning requirement of the Administration:-

CAPACITY	LIMITATIONS APPLYING (IF ANY)
Rating forming part of Engine-Room watch	NONE

Certificate No. _____ Issued on 23/01/2003

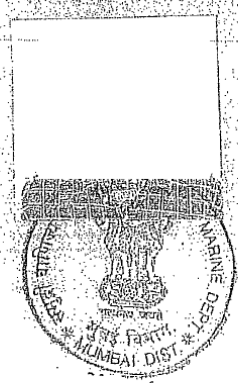
The Original of this certificate must be kept available in accordance with regulation I/2, Paragraph 9 of the Convention while serving on a ship.

Date and Place of birth of holder of certificate _____

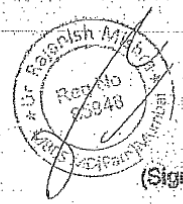
Signature of the holder of the certificate _____

Photograph of the holder of the certificate _____

TRUE COPY



Official Seal



(Signature of duly authorized officer)

SANJAY KUMAR

Name of duly authorized officer

EXAMINER OF ENGINEERS
MUMBAI



मुद्रांक/Ref: 3265 797 1/77
फैक्स/Fax: 91-022-23693053

भारत सरकार / GOVERNMENT OF INDIA
पोत परिवहन विभाग / MINISTRY OF SHIPPING
पोत परिवहन विभाग / (DEPARTMENT OF SHIPPING)
सरकारी मौखिक कार्यालय / GOVERNMENT SHIPPING OFFICE
सी. भवन, 10 राजजी बिल्डिंग मार्ग / HQ BHAVAN, 10 R.K. MARG,
मैलिंग ईस्टेट, मुंबई-400 007 BALLARD ESTATE, MUMBAI-400 001

वाणिज्य पोत परिवहन अधिनियम, 1958 की धारा 170 (2) के अंतर्गत यथा संशोधित वाणिज्य पोत परिवहन
(वाणिज्य पोत परिवहन में रसोई के रूप में सक्षमता प्रमाण पत्र) नियमावली 1991 का नियम 6(1) प्रकृति अनुसार।
Rule 6(1) - First Schedule of M.S. / Certificate of Competency as cook in Merchant Navy Rules 1991 as amended,
under section 170 (2) of M.S. Act, 1958.

मर्चेंट नेवी में रसोई के सक्षमता प्रमाणपत्र
CERTIFICATE OF COMPETENCY AS COOK IN THE MERCHANT NAVY.

पंजीकरण संख्या: सी.सी.एम.ए.ए.
Registration No. C.C.M.A.E.

दिनांक:
Date: 08 MAY 2015

यह प्रमाणित किया जाता है कि श्री जिनका विवरण निम्नलिखित है, को मर्चेंट नेवी में
जहाज पर पोत रसोई के कर्तव्य को पूरा करने हेतु विधिवत् रूप से योग्य पाया गया है। तदनुसार केंद्रीय सरकार एतद्वारा सक्षमता प्रमाणपत्र
प्रदान करती है।

This is to Certify that Shri the particulars of whom are appended below,
has been found duly qualified to fulfill the duties of a Ship Cook on board a ship in the Merchant Navy. Accordingly, the Central
Government hereby grants this Certificate of Competency.

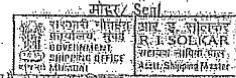
- | | |
|--|------------------------------|
| 1. सी.सी.एम.ए.
C.C.M.A.E. No. | 2. जन्मतिथि
Date of birth |
| 3. जन्मस्थान
Place of Birth | 4. ऊँचाई
Height |
| 5. (अ) आँखों का रंग
(a) Colour of Eyes | (ब) बालों का रंग
(b) Hair |
| 6. गोलियों या कोई अन्य विशिष्ट चिह्न, हो तो:
Tattoo or other distinguishing mark(s) (if any): | |



नायिक: जिसको यह प्रमाणपत्र जारी किया गया है, उसके हस्ताक्षर
Signature of the seaman to whom this certificate is issued.

दिनांक को मुंबई पत्तन से जारी
Issued at Port of MUMBAI on this day of May 2015

जारीकर्ता प्राधिकारी का हस्ताक्षर
Signature of Issuing Authority



नोट: नायिक जिसको यह प्रमाणपत्र जारी किया गया है, के अलावा यदि किसी अन्य व्यक्ति को यह प्रमाणपत्र प्राप्त होता है तो उससे यह निवेदन
किया जाता है कि यह इस प्रमाणपत्र को सुरक्षित रख, पत्तन के नायिक प्रांत को लौटा दे जहाँ से यह सक्षमता प्रमाणपत्र जारी किया गया है।
Note: Any person, other than the holder of this certificate who comes in possession thereof is requested to please
return it forthwith to the jurisdictional Shipping Master of the port from where this CoC has been issued.



TRUE COPY

COP - 0011002

THE COMPANY OF MASTER MARINERS OF INDIA

27/B, Maker Arcade, Cuffe Parade, Mumbai - 400 005

Tel : +91-22-2215 3049

E-mail: cmmi@vsnl.net Website: www.mastermariners-india.com



CERTIFICATE OF PROFICIENCY

AS

RATING FORMING PART OF A NAVIGATIONAL WATCH

(Regulation II/4 of STCW Convention)

CERTIFICATE ISSUED UNDER THE PROVISIONS OF THE MERCHANT SHIPPING ACT, 1958 (41 OF 1958) AND THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS (STCW), 1978, AS AMENDED.

The Government of India certifies that Mr. [REDACTED] has been found duly qualified in accordance with the provisions of regulation II/4 of the STCW Convention as amended and has been found competent to perform the following functions at the levels specified, subject to any limitations indicated:

FUNCTION	LEVEL	LIMITATIONS APPLYING (IF ANY)
Navigation	Support	NONE

The lawful holder of this certificate may serve in the following capacity or capacities specified in the applicable safe manning requirement of the Administration:

CAPACITY	LIMITATIONS APPLYING (IF ANY)
Rating forming part of a navigation watch	NONE

Certificate No. : [REDACTED]

Issued on : 30.05.2013

Date of Expiry : Unlimited

The Original of this certificate must be kept available in accordance with regulation I/2 Paragraph 11 of the STCW Convention while its holder is serving on a ship.

Date and Place of birth of holder of certificate : [REDACTED]

Signature of the holder of the certificate : [REDACTED]

INDOS No : [REDACTED]

PASSPORT NO : [REDACTED]

CDC NO : [REDACTED]

Photograph of the holder of the certificate



Signature of duly authorised Officer

Capt. V. N. Aindley
Master

Name of duly authorised Officer

This is to state that The Company of Master Mariners of India is duly authorised to issue this certificate under the authority of the Directorate General of Shipping, Ministry of Shipping, Government of India. Any inquiry concerning the validity of this certificate should be addressed to INDOs Cell. Email: bsindos@vsnl.net



सत्यमेव जयते

GOVERNMENT OF INDIA
CERTIFICATE OF COMPETENCY
AS

RATING FORMING PART OF NAVIGATIONAL WATCH
(Regulation II/4 of STCW Convention)

CERTIFICATE ISSUED UNDER THE PROVISIONS OF THE MERCHANT SHIPPING ACT, 1958(44 OF 1958) AND THE INTERNATIONAL CONVENTION OF STANDARDS OF TRAINING CERTIFICATION AND WATCHKEEPING FOR SEAFARERS, 1978, AS AMENDED IN 1995.

The Government of India certifies that _____ has been found duly qualified in accordance with the provisions of regulation II/4 of the STCW Convention as amended and has been found competent to perform the following functions at the levels specified, subject to any limitations indicated:-

FUNCTION	LEVEL	LIMITATIONS APPLYING (IF ANY)
Navigation	Support	NONE

The lawful holder of this certificate may serve in the following capacity or capacities specified in the applicable safe manning requirement of the Administration:-

CAPACITY	LIMITATIONS APPLYING (IF ANY)
Rating forming part of navigation watch	NONE

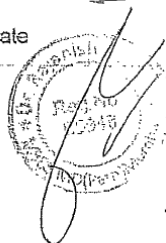
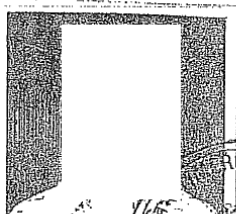
Certificate No. _____ Issued on 31/12/2001

The Original of this certificate must be kept available in accordance with regulation I/2, Paragraph 9 of the Convention while serving on a ship.

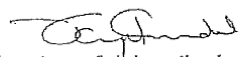
Date and Place of birth of holder of certificate _____

Signature of the holder of the certificate _____

Photograph of the holder of the certificate _____



TRUE COPY


(Signature of duly authorized officer)
CAPT. R. K. MUDULI

Name of duly authorized officer

कप्तान आर. के. मुदुली
Capt. R. K. MUDULI
नौटिकल सर्वेक्षक
Nautical Surveyor



GOVERNMENT OF INDIA
CERTIFICATE OF COMPETENCY
AS
RATING FORMING PART OF NAVIGATIONAL WATCH
(Regulation II/4 of STCW Convention)

CERTIFICATE ISSUED UNDER THE PROVISIONS OF THE MERCHANT SHIPPING ACT, 1958(44 OF 1958) AND THE INTERNATIONAL CONVENTION OF STANDARDS OF TRAINING CERTIFICATION AND WATCHKEEPING FOR SEAFARERS, 1978, AS AMENDED IN 1995.

The Government of India certifies that _____ has been found duly qualified in accordance with the provisions of regulation II/4 of the STCW Convention as amended and has been found competent to perform the following functions at the levels specified, subject to any limitations indicated:-

FUNCTION	LEVEL	LIMITATIONS APPLYING (IF ANY)
Navigation	Support	NONE

The lawful holder of this certificate may serve in the following capacity or capacities specified in the applicable safe manning requirement of the Administration:-

CAPACITY	LIMITATIONS APPLYING (IF ANY)
Rating forming part of navigation watch	NONE

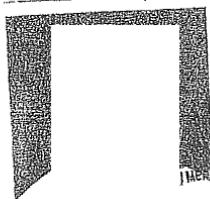
Certificate No. _____ Issued on 01/02/2002

The Original of this certificate must be kept available in accordance with regulation I/2, Paragraph 9 of the Convention while serving on a ship.

Date and Place of birth of holder of certificate _____

Signature of the holder of the certificate _____


Photograph of the holder of the certificate _____



Official Seal



TRUE COPY


(Signature of duly authorized officer)

Name of duly authorized officer
कप्तान आर. के. मुदुली
Capt. R. K. MUDULI

Rural & Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Estimates 2015 - 2016
Infrastructure and Regional Development

Question no.: 203

Program: n/a

Division/Agency: Australian Maritime Safety Authority

Topic: MV Portland

Proof Hansard Page: 142 (8 February 2016)

Senator Conroy, Stephen asked:

Senator CONROY: Is AMSA aware that the MV *Portland* was let go from her moorings, to commence her voyage to Singapore, by security guards?

Mr Kinley: I would have to check. I am not personally aware of that, but, again, that is actually a matter for the port. They would normally say who lets a ship go.

Answer:

No. Responsibility for letting a ship's moorings go is not regulated by the Australian Maritime Safety Authority.

Rural & Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Estimates 2015 - 2016
Infrastructure and Regional Development

Question no.: 204

Program: n/a

Division/Agency: Australian Maritime Safety Authority

Topic: Seafarer Status

Proof Hansard Page: 144 (8 February 2016)

Senator Rice, Janet asked:

Senator RICE: Were the Indian crew able seafarer—deck?

Mr Kinley: As far as I am aware, they were ratings—engine and deck ratings—as is permitted under the Australian—

Senator RICE: So it was not the able seafarer—deck; it was the lesser qualification?

Mr Kinley: Again, if I go and check the certificates, some of them may have been able seafarers.

Senator RICE: What other countries do we recognise?

Mr Kinley: We have a whole list of them on our website.

Senator RICE: Could you take that on notice? If you could supply that to us, that would be good.

Mr Kinley: Yes, we can do that.

Answer:

The seven Indian ratings were qualified as follows:

1. 5 x navigational watch ratings.
2. 2 x engine room ratings.

The Standards of Training, Certification and Watchkeeping for Seafarers (STCW) Convention was amended in 2010 and introduced Able Seafarer – Deck and Able Seafarer – Engine certificates that, when combined, incorporate the same competencies as the Integrated Rating training course.

Rural & Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Estimates 2015 - 2016
Infrastructure and Regional Development

Question no.: 205

Program: n/a

Division/Agency: Australian Maritime Safety Authority

Topic: Changes to Seafarer Rating on Australian Vessels

Proof Hansard Page: 144 (8 February 2016)

Senator Rice, Janet asked:

Senator RICE: Have other Australian ships applied to have their ratings changed in recent times?

Mr Kinley: Not that I am aware of.

Senator RICE: Could you take that on notice too and see whether there have been other ships that have requested that?

Mr Kinley: I am pretty sure I would have been advised if there was, but I will take that on notice. I will go away and double-check.

Answer:

No.

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates 2015 - 2016

Infrastructure and Regional Development

Question no.: 206

Program: n/a

Division/Agency: Australian Maritime Safety Authority

Topic: Foreign Registered Tanker Vessels

Proof Hansard Page: Written

Senator Lazarus, Glenn asked:

1. Is AMSA aware that a Foreign-registered bunker-tanker vessel “ICS Reliance” arrived in Sydney harbour on 22 December 2015 with a tax-free foreign crew and displaced the Australian-registered “Destine” and all the Australians working on it?
2. Is AMSA aware that a Foreign-registered bunker-tanker vessel “ICS Allegiance” arrived in the port of Melbourne at a similar time with a tax-free foreign crew and displaced the Australian-registered “Zemira” and all the Australians working on it?
3. Is there no law that requires a vessel that works solely within an Australian port to:
 - a. Be registered in Australia; and
 - b. To employ Australians; and
 - c. To pay Australian TAX?
 - d. To be fully under the jurisdiction of the *Marine Safety (Domestic commercial Vessels) National Law Act 2012*
4. If there is no such law why would not every Australian commercial vessel operator currently registering their vessel in Australia pay the small fee necessary to re-register their vessel in Singapore which is a TAX-free jurisdiction?
5. How can these Bahamas-registered vessels have been put into the ports of Melbourne and Sydney to supply fuel for all the vessels in our major cities yet the foreign crew are not required to hold the AFP and ASIO clearance ‘MSIC’ card?
6. Are these vessels ‘imported’ for the purposes of the Customs Act? Is AMSA charged with any responsibility to investigate whether these vessels contain Asbestos in contravention of the Occupational Health and Safety (Maritime Industry) (National Standards) Regulations 2003.
7. Recognising that the employer of the foreign labour, INCO SHIPS, has the capacity to relocate foreign staff from other INCO vessels already in Australia to the “ICS Reliance” and “ICS Allegiance”, how many applications for *Certificates of Recognition* have been made/supported by INCO SHIPS in the past 6 months?
8. How many such applications were granted?
9. Is AMSA aware of any counterfeited qualifications?

Answer:

1. The *ICS Reliance* and *ICS Allegiance* are foreign flagged vessels that operate in the ports of Sydney and Melbourne. On 20 October 2015, AMSA was advised by the ship’s operators of the intention to engage these vessels to replace the *Destine* and *Zemira*.
2. Refer to the answer to question 1.
3. There is no legislation administered by the Australian Maritime Safety Authority (AMSA) for any vessel operating solely in Australian ports to be registered in Australia; employ Australians; pay Australian tax; and to be fully under the jurisdiction of the *Marine Safety (Domestic Commercial Vessels) National Law Act 2012*.

A vessel can only be registered in Australia if it is majority owned by an Australian entity. Australian-owned vessels are required to be registered as set out in the *Shipping Registration Act 1981*. This includes:

- commercial vessels of 24 metres or over in tonnage length operating in Australian waters capable of navigating on the high seas; and
- any Australian vessel of any type undertaking international voyages.

The exception is that foreign-owned vessels, working solely or partly within an Australian port, may be registered in Australia if the vessel is 'demise chartered' to an Australian entity.

In any other circumstance, foreign-owned vessels, whether working solely or partly within Australia, are not eligible for registration under the *Shipping Registration Act 1981*.

The *Marine Safety (Domestic Commercial Vessels) National Law Act 2012* applies to Australian-owned commercial vessels to which the *Navigation Act 2012* does not apply. These are vessels that do not make international voyages and operate within the limits of Australia's exclusive economic zone.

4. As outlined above, it is not an option for an Australian-owned commercial vessel to be registered in another jurisdiction without changing the ownership or status of the vessel. Where a vessel remains Australian-owned, the only mechanism that would allow the vessel to be registered overseas is if the vessel was placed on a demise charter with an overseas entity. In such cases the owner may seek to suspend the Australian registration for the term of the charter.
5. The Office of Transport Security advises that the MSIC scheme applies to all persons who need unescorted access to a maritime security zone in Australian security regulated ports, Australian flagged ships and off-shore facilities. Foreign crew do not need to have a MSIC for the purpose of entering Australian ports or waters. However, foreign crew would require escort should they enter a maritime security zone at a regulated Australian port, ship or offshore facility if they do not hold an MISC.
6. The Department of Immigration and Border Protection advises that both vessels are fully imported for the purposes of the *Customs Act 1901*.

The *Occupational Health and safety (Maritime Industry) Act 1993*, and associated *Occupational Health and Safety (Maritime Industry) (National Standards) Regulations 2003*, do not apply to foreign flag ships operating within a state's waters (port limits). If the operator is Australian and the majority of the crew are Australian, a vessel undertaking an interstate voyage may be subject to *Occupational Health and safety (Maritime Industry) Act 1993*.

7. In the six months to 31 January 2016 AMSA received one application for a Certificate of Recognition – to recognise the qualifications of a foreign seafarer.
8. One.
9. No.

Rural & Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Estimates 2014 - 2015
Infrastructure and Regional Development

Question no.: 207

Program: n/a

Division/Agency: Australian Maritime Safety Authority

Topic: Hong Kong Convention on Environmental Recycling of Ships

Proof Hansard Page: Written

Senator Sterle, Glenn asked:

1. Who is the relevant Departmental contact for monitoring progress of this International Convention?
2. Is the Department aware that the United Kingdom Government has indicated its intention to ratify this Convention?
3. If the UK signed, how would that affect coverage of the international fleet?
4. Given this recent development, does this affect the Australian Government's priority around considering ratification?
5. If the UK signs how will this affect the gross tonnage of the world's merchant fleet measure?
6. What are the triggers for increased interest by the Australian Government?

Answer:

1. General Manager, Maritime and Shipping Branch.
2. No.
3. As at 2014, approximately 4.6 per cent of the global tonnage was registered under the flag of the UK. Adding this with the three countries that have ratified the Convention would make a total of 6.58 per cent of the gross tonnage of the world's merchant fleet.

Entry into force of the Convention would only apply after the ratification by 15 States, representing 40 per cent of world merchant shipping by gross tonnage, combined maximum annual ship recycling volume not less than 3 per cent of their combined tonnage.

The UK ratifying the Convention will not bring it into force.
4. The Government will continue to monitor international and domestic developments relating to the Convention, and whether it is appropriate to reconsider the priority currently accorded to it.
5. See answer 3 above.
6. See answer 4 above.

Rural & Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Estimates 2015 - 2016
Infrastructure and Regional Development

Question no.: 208

Program: n/a

Division/Agency: Australian Maritime Safety Authority

Topic: Foxhound issue

Proof Hansard Page: Written

Senator Sterle, Glenn asked:

1. Is AMSA aware of a maritime incident near Papua New Guinea involving a general cargo ship called Foxhound, that occurred on October last year?
2. Involving 21 crew who were forced to abandon their sinking vessel and were rescued by the Chinese container ship Cosco Shanghai?
3. And that these crew were taken to Sydney?
4. Is AMSA satisfied that these distressed seafarers were not rendered assistance by Australia immediately after becoming aware of the incident?
5. Is AMSA comfortable with the fact that these men stayed on the Cosco Shanghai for a week including two days in Port Botany with no shore access and having to share food and clothing with the Chinese crew, sleeping on the ships deck - before being taken directly to the airport and sent home?

Answer:

1. The Australian Maritime Safety Authority (AMSA) detected a distress beacon from the general cargo vessel *Foxhound* at 6.00pm on Saturday 17 October 2015. The ship was located 155 km north north-east of Papua New Guinea and was taking on water and listing, the crew were abandoning the ship into a lifeboat.
2. Following a request for assistance from Maritime Rescue Coordination Centre Port Moresby, AMSA Search and Rescue issued a broadcast to shipping and tasked three merchant vessels in the area to respond. The container ship *Cosco Shanghai* arrived on scene at 8.33pm on 17 October 2015 and rescued all 21 crew members from the lifeboat.
3. All crew members were accounted for and reported safe and well, they were transported to Sydney on board *Cosco Shanghai*, arriving on 22 October 2015. In line with international guidelines, ships providing rescue such as this should not be subject to undue delay, financial burden or other related difficulties after assisting persons in distress and where possible continue their voyage and disembark the rescued at the destination port.
4. After becoming aware of the incident and following a request from MRCC Port Moresby, AMSA Search and Rescue rendered assistance immediately.
5. AMSA advised Sydney based welfare providers of the incident so that they were appropriately prepared to provide necessary services and support to the rescued seafarers when *Cosco Shanghai* berthed in Sydney. AMSA also contacted the appointed representatives of *Foxhound*'s owners (HWL Ebsworth Lawyers) and was provided an assurance that plans were in place to care for the welfare of the rescued seafarers and to facilitate their timely repatriation back to the Philippines.

Rural & Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Estimates 2014 - 2015
Infrastructure and Regional Development

Question no.: 209

Program: n/a

Division/Agency: Australian Maritime Safety Authority

Topic: Hong Kong Convention on Recycling Ships

Proof Hansard Page: Written

Senator Sterle, Glenn asked:

1. Who is the relevant AMSA contact for monitoring progress of this International convention?
2. Is the Department aware that the United Kingdom Government has indicated its intention to ratify this Convention?

Answer:

1. The Department of Infrastructure and Regional Development is responsible for monitoring the progress of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships.
2. No.