

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates 2017 - 2018

Infrastructure and Regional Development

Committee Question Number: 86

Departmental Question Number: SQ17-000234

Program: n/a

Division/Agency: Australian Maritime Safety Authority

Topic: Maeve Anne responses

Proof Hansard Page: 5 (23 May 2017)

Senator Cameron, Doug asked:

Senator CAMERON: Good morning everyone. Mr Kinley, as you are aware, on 29 March I submitted a number of questions to Minister Chester. They were due for response on 28 April. Why have I had no response to these? Has the department provided advice to the minister on these issues?

Mr Kinley: Good morning, Senator. Are you referring to the questions on the Maeve Anne?

Senator CAMERON: Yes. Those are the only ones I have put.

Mr Kinley: We have certainly put our answers through.

Senator CAMERON: When did the answers go to the minister's office?

Mr Kinley: I would have to check on that. It was not that long ago. I have a copy here, but I do not think they have a date on them.

Senator CAMERON: I said they were due back on 28 April. Did you meet that time line with the minister's office?

Mr Kinley: We certainly met the time line that we were given.

Senator CAMERON: So the responses were there by 28 April. Where are they? Minister, do you know why I have no responses?

Senator Nash: I am sorry, I am not aware of that information, but I am happy to take it on notice for you.

Answer:

In response to Senator Cameron's Written Question on Notice from 29 March 2017, the Australian Maritime Safety Authority (AMSA) did not meet the deadline of 28 April 2017.

Responding to the detailed questions required consultation with AMSA's Qld and NSW state delegates. The response was provided to the Department of Infrastructure and Regional Development on 11 May 2017.

The response was provided to the Minister's office on 24 May 2017 and tabled with the Committee on 29 May 2017.

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ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates 2017 - 2018

Infrastructure and Regional Development

Committee Question Number: 87

Departmental Question Number: SQ17-000235

Program: n/a

Division/Agency: Australian Maritime Safety Authority

Topic: Exemption for the Maeve Anne

Proof Hansard Page: 8-9 (23 May 2017)

Senator Cameron, Doug asked:

Senator CAMERON: On what grounds did the AMSA issue the specific exemption for the Maeve Anne on 6 October?

Mr Kinley: Those exemptions are requirements for, as I have said earlier, things that are not relevant to a non-propelled barge, under the National Law. It includes things like masts; for position of signals; for a vessel's propulsion fluid and steering systems, which of course are not relevant; certain safety equipment; communications and nav equipment; and tools that are not needed for barges that are not self-propelled. That exemption was also granted to certain conditions—namely, that life jackets be worn at all times, that a means for reboarding from the water be provided, that navigation lights and shapes were to be displayed when undertaking transit voyages and that the operator provide a standby vessel to carry safety equipment for the total number of persons on board the barge. Communications requirements were also a condition there, as were the owner of the vessel determining appropriate crew for the operations, stability and structural calculations for each specific operation and loading being completed by an AMSA accredited surveyor, and manufacturer's instructions for safe working load and deck pressures not to be exceeded. There were a range of conditions on that.

Senator CAMERON: Exemptions were provided for all of those that you have outlined?

Mr Kinley: They were the conditions that I just mentioned, on the exemptions being given for things like masts and things that a non-self propelled barge—

Senator CAMERON: Is there a document somewhere that says: here are the exemptions you have got?

Mr Kinley: Yes.

Senator CAMERON: Have you got it here? Can you table the document?

Mr Kinley: I do not have it here, but we can certainly provide it to you.

Senator CAMERON: You were not expecting to be questioned on this issue, were you?

Mr Kinley: I was expecting to be questioned, but I was also—

Senator CAMERON: Why can't you tell me the basic—

Mr Kinley: Because I just read out what the conditions were, Senator.

Senator CAMERON: I want a copy of the exemption document. Can you table that?

Mr Kinley: Yes, certainly.

Answer:

On 6 October 2016, the Australian Maritime Safety Authority issued a specific exemption for the *Maeve Anne* subject to certain conditions as outlined in the exemption document at [Attachment A](#).

Attachments

- [Attachment A](#) – Exemption notice Maeve Anne



SPECIFIC EXEMPTION

Issued under the provisions of the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* by the
Australian Maritime Safety Authority

Particulars of vessel

Name of Vessel MAEVE ANNE		Unique Identifier 28812QC	
Measured Length 48.0	Service Category 2C, 2D, 2E		Vessel Type BARGE
Owner / Operator BRADY MARINE & CIVIL PTY LTD		ABN / ACN 55 152 153 636	

THIS IS TO CERTIFY:

That, under the authority conferred by s.143 of the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*, the non self propelled barge identified above is exempt from the requirements outlined below.

Relevant legislation:

1. *Marine Order 503 (Certificates of survey) 2013* – Section 8(b) (i), 10(2)(b), 12(b)(ii) and 14(f) in so far as it requires the vessel to comply with the National Standard for Commercial Vessels (NSCV) NSCV, Part C1 3.4, Part C5A Chapters 3, 5, and 6, NSCV Part C7A, NSCV Part C7B, and NSCV Part C7C.
2. *Marine Order 504 (certificates of operation – National Law)* in so far as it requires compliance with NSCV Part E for the carriage of a core complement.

Exemptions granted:

1. The requirement for provision of masts and positions for signals to comply with NSCV C1 Chapter 3.3.
2. The requirement for the vessel's propulsion, fluid, and steering systems to comply with NSCV Part C5A Chapters 3, 5, and 6 respectively.



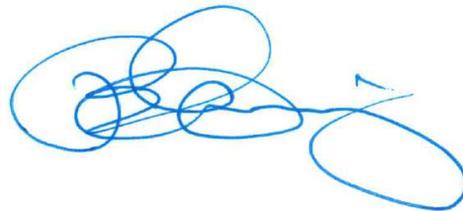
3. The requirement to carry safety equipment as specified in NSCV Part C7A.
4. The requirement to carry communications equipment as specified in NSCV Part C7B.
5. The requirement to carry navigation equipment as specified in NSCV Part C7C.
6. The requirement to carry the core complement specified in NSCV Part E Schedule 2 Item 6 Clause 9.

Conditions on which AMSA grants this Exemption Certificate:

1. Lifejackets to be worn at all times and a means of re-boarding from the water to be provided.
2. Navigation lights and shapes in accordance with COLREGs to be displayed when undertaking transit voyages. Lighting and shapes to be in accordance with local waterway requirements when the vessel is on-site.
3. The operator must provide a stand by vessel to carry safety equipment for the total number of persons on board the barge.
4. A reliable method of communication between the stand by vessel and the barge is to be provided whenever persons are on the barge.
5. The owner of the vessel must determine the appropriate crew for each type of operation of the vessel by evaluating the risks to the vessel, the environment and all persons who will be on or near the vessel.
6. Stability and structural calculations for each specific operation and loading to be completed by an AMSA accredited surveyor.
7. Manufacturers' instructions for lock safe working load and deck pressures are not to be exceeded (where applicable).
8. 2C operations restricted to transit voyages only within fifteen (15) nautical miles from sheltered waters in reasonable weather in accordance with Lloyds register certificate of class. No persons permitted onboard in 2C operations.
9. Vessel to be maintained in class with a recognised classification society.

Please note this decision does not relieve you of your general safety duties which arise under Part 3 of the National Law.

This Exemption shall remain in force indefinitely unless revoked by AMSA.



Issued at **Canberra** **6 October 2016**

(Place of issue of certificate)

(Date of issue)

(Signature of authorised official issuing the certificate)

Brian Hemming PSM
National Operations Manager
Domestic Vessels

APPENDIX A

Decision to grant exemption

AMSA is satisfied that the exemption granted, taken together with the conditions imposed, will not jeopardise the safety of the vessel or a person on board the vessel.

Review of decision to impose conditions – internal review

This decision is a reviewable decision under section 139(1)(q) of the National Law. You may, within 30 days of receipt of this notice, apply to the National Regulator for internal review of this decision.

An application for internal review should be completed using the approved form, together with any supporting documentation, and emailed to DVInternalreview@amsa.gov.au, or alternatively addressed in writing to:

The Secretariat
Domestic Vessels
Australian Maritime Safety Authority
GPO Box 2181
Canberra ACT 2601

This form can be found at:

<http://amsa.gov.au/forms-and-publications/domestic/forms/>

Under section 140(5), the person conducting the internal review of this decision may:

- (a) make a decision affirming, varying or revoking this decision; and
- (b) if this decision is revoked, make such other decision as the person thinks appropriate.

The National Regulator will advise you, in writing, of the outcome of the internal review.

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates 2017 - 2018

Infrastructure and Regional Development

Committee Question Number: 88

Departmental Question Number: SQ17-000236

Program: n/a

Division/Agency: Australian Maritime Safety Authority

Topic: Inspections

Proof Hansard Page: 9 (23 May 2017)

Senator Cameron, Doug asked:

Senator CAMERON: What inspections did AMSA, as delegated agencies, or any accredited private marine surveyor carry out in granting the exemptions? We know there was an exemption, but what was done?

Mr Kinley: The exemptions were considered in connection for the application of survey submitted to RMS. The information included on the certificate of class for Lloyd's register—Lloyd's register, as the classification society, inspect the vessel to ensure it maintains itself in class. The survey of the vessel and the stability books for the vessel were to be approved by other accredited surveyors accredited by AMSA, and I think there was an inspection done by the accredited surveyor as well.

Senator CAMERON: So you cannot tell me who the accredited surveyor was; you do not know.

Mr Kinley: We do know; I just do not have that name with me.

Senator CAMERON: Did they actually go on board and do inspections?

Mr Kinley: Yes, Senator, they would have done.

Senator CAMERON: When did they do that?

Mr Kinley: I would have to check on the actual exact date, Senator. But it would have been prior to that being issued, of course.

Answer:

On 2 September 2016, a private Australian Maritime Safety Authority accredited surveyor conducted an inspection of the *Maeve Anne* prior to Roads and Maritime Services NSW, issuing the final Certificate of Survey and Certificate of Operation.

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates 2017 - 2018

Infrastructure and Regional Development

Committee Question Number: 89

Departmental Question Number: SQ17-000238

Program: n/a

Division/Agency: Australian Maritime Safety Authority

Topic: Safety clearance between containers

Proof Hansard Page: 17 (23 May 2017)

Senator Sterle, Glenn asked:

Senator STERLE: Thank you. I believe that previously there was a safety clearance of 550 millimetres for working between containers—is that correct?

Mr Schwartz: Yes, that was a number that was given in the marine order in different areas.

Senator STERLE: What is it now?

Mr Schwartz: There is an International Labour Organization code of practice, which I think talks in some cases up to a metre and there is a variety of distances between containers on access areas as well. So it would just depend on exactly which distance. I would probably have to take that on notice.

Senator STERLE: I will probably come back a couple of steps here to assist not only you but me importantly. I am led to believe previously there was a safety clearance of 550 millimetres between working containers, should someone have to be taken out of there if they have been hit or fainted or whatever—is that correct?

Mr Schwartz: It sounds very familiar to me, yes.

Senator STERLE: That is great. Now I am led to believe that that is not the case. If it is not the case what is it now? I did ask you that earlier and you did say you think it is a metre.

Mr Kinley: I do not have Marine Order 32 with me; I only have the code of practice.

Senator STERLE: Take it notice that is fine.

Answer:

The provisions that provide for the safety clearance for working between containers on ships, are contained in paragraph 3, 7.8.2 *Deck working* in the International Labour Organization Code of Practice on *safety and health in ports*:

The space provided between the container stows for port workers to carry out such work should provide:

- a firm and level working surface;
- a working area, excluding lashings in place, preferably of 1 metre and not less than 750 mm wide to allow clear sight of twistlock handles and the manipulation of lashing gear; and
- sufficient space to permit the lashing gear and other equipment to be stowed without causing a tripping hazard.

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Budget Estimates 2017 - 2018

Infrastructure and Regional Development

Committee Question Number: 90

Departmental Question Number: SQ17-000239

Program: n/a

Division/Agency: Australian Maritime Safety Authority

Topic: Maritime Order 32

Proof Hansard Page: 18 (23 May 2017)

Senator Sterle, Glenn asked:

Senator STERLE: Stick around for later. Thank you, Mr Kinley. I want to put some questions to you, Minister Nash, if I may. I do not know if you have been following the conversation on maritime order 32?

Senator Nash: I have been following it in part—in as much detail as I could understand, Senator, not being familiar with the issue.

Senator STERLE: That is quite all right. Are you aware of the recent repeal and reissue of maritime orders part 32, these being the principle legislative measures to protect the safety of Australian workers on foreign flagged vessels?

Senator Nash: I am not. What I might suggest, if you have a line of questioning around this, is that I am happy to take it on notice for you for the minister.

Senator STERLE: Yes, sure. Absolutely. No dramas. I will put them to you. In fact, I have no problem if you just want to take them all on notice.

Senator Nash: That sounds fine, thank you.

Senator STERLE: I would ask: what role did the minister's office play in designing or approving the revised maritime order 32? I would also ask: does the minister think it is acceptable for new maritime order 32 to be introduced when it could lead to fatalities—as is the belief of some people in the industry, where workers are 14 times more likely than the average to be killed on the job? Is it the intent of the government to lower the workplace standards to those of Third World countries? And I know you are going to take that on notice.

Answer:

Marine orders are regulations made by the Australian Maritime Safety Authority's (AMSA) Chief Executive Officer under an authority delegated under the *Navigation Act 2012*.

On the basis that work health and safety provisions that were removed from Marine Order 32 were included in the *Model Code of Practice: Managing risks in stevedoring*, it is AMSA's view that the combined coverage of the marine orders and code of practice, satisfy safety requirements for stevedoring operations.