

Subject: RE: RRAT References Committee - Inquiry into the policy, regulatory, taxation, administrative and funding priorities for Australian Shipping - Hansard corrections and answers to questions [DLM=For-Official-Use-Only]
Date: Thursday, 24 September 2020 5:02:09 PM

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Thank-you and the Committee for the opportunity for the ATSB to appear and answer questions into the *Inquiry into the policy, regulatory, taxation, administrative and funding priorities for Australian Shipping*.

As requested, we have reviewed the Hansard transcript and marked up the necessary changes (attached). We have also pulled out the QoNs and have prepared our associated responses below.

Question 1. Provide examples of changed legislation/regulations resulting from an ATSB investigation and/or report?

ATSB response:

A specific example of safety action taken in response to an ATSB investigation is [MI-2010-011](#). This investigation identified that *the safety framework prescribed by successive issues of Marine Orders Part 54 (MO 54) had not assigned the responsibility for the overall management of the safety risks associated with coastal pilotage operations to pilotage providers or any other organisation*. This safety issue was raised with AMSA (as the regulator) and safety action was taken to address this issue leading to specific inclusions in the completely rewritten Cth legislation (*Navigation Act 2012*).

There are other instances where ATSB investigations and findings have resulted or initiated action in regards to regulatory change, including by the International Marine Organization (IMO), which then filters through to operators and national regulators, like AMSA, who then use the Marine Orders (MO) to give that regulatory change legal effect. MO are legal instruments made by AMSA.

Question 2. What is the ATSB's jurisdiction to investigate marine accidents?

ATSB Response:

The flag State/s of the ship/s involved in a very serious marine casualty (e.g. loss of ship, loss of life) is responsible for ensuring a marine safety investigation (MSI) is conducted as per the Casualty Investigation Code (CIC) under IMO. However, if another Substantially Interested State (SIS) – which includes the flag State of the ship, the coastal State in which the casualty took place, nationals of the State who lost their lives or received serious injuries is conducting an MSI, then the flag State can meet its obligation by fully participating in that investigation. There can also be separate parallel MSIs by States or they can agree to do one jointly. The aim of the CIC is to ensure an MSI is completed as per its requirements – for example coastal States like Australia may elect to investigate to meet our national safety objectives.

Question. 3. Can the ATSB provide further information on the Sage Sagittarius?

ATSB Response:

The ATSB did not undertake an investigation into the two deaths aboard the Sage Sagittarius. The State Coroner's Court of New South Wales completed an Inquest and handed down its findings on 31 May 2017.

Kind regards

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