



### **Relevant Transcript Excerpt**

**Mr Kinley:** There have actually always been vessels operating—even under the Navigation Act, for example—in the Bass Strait trade under the domestic standards as they were under the USL code—for example, the *Statesman* and the *Matthew Flinders* boats—so the *John Duigan* operating under the national law as a domestic commercial vessel is not new or novel. My understanding of the crewing on her is that she has got a master who has got a near-coastal less-than-80- metres certificate. The chief officer has a near-coastal less-than-35-metres certificate. The mate is a master less-than-35 near-coastal, and again that certificate is allowed to operate on that vessel as a mate or a chief officer. There's a chief engineer who has got an engineer class 3 and a first engineer who is a MED1. One of the deckhands I believe has got a master less-than-35 near-coastal. And then there is a cook/general purpose hand. I certainly heard what they said about the butcher. I will endeavour to find out what is behind that.

### **Response**

Advice to AMSA is that the operator of the *John Duigan* employed the butcher referred to by the MUA as a Cook in a trial capacity to see if he was interested in pursuing a career on the vessel, and to determine his suitability for employment with their company. At that time he did hold a shore-based cooking qualification, and the cook was not required to hold a seagoing qualification under *Marine Safety (Domestic Commercial Vessel) Safety Act 2012* (National Law). However, when their mutual interest in ongoing employment was established, the cook went on to complete the training to obtain a Certificate of Safety Training (CoST). This qualification is in excess of the National Law requirements for this position on this vessel.



**Relevant Excerpt from the hearing:**

**CHAIR:** I don't doubt that. So, when you catch these people, do you have a list of who you've caught and what they've done wrong? I'll tell you why. It is because it flows on to the greater picture here, and that is—with no disrespect for the safety of our seafarers—that, once these containers hit the port, they are on the back of a truck travelling through communities. And we know what overloaded trucks can do and we know what dangerous goods can do when they're not placed properly and we have a spill or a fire or something blows up. Do you keep a log of who's done what wrong?

**Mr Kinley:** Certainly, we do retain the results of all of our inspections within our databases here, and we do routinely analyse the results of our inspection programs so that we can target inspections. An example of that would be the special inspection campaign we've got going at the moment to do with the safe carriage of containers on board ships.

**CHAIR:** Yes—so they don't fall off. Is that information available to the committee or is it a national secret?

**Mr Kinley:** That's available, and **we can provide that.**

**AMSA Response:**

In addition to regular port state and flag state inspections, AMSA carries out two types of inspection campaigns.

**Concentrated Inspection Campaigns (CIC's)** are conducted annually in conjunction with other member port States of the Tokyo and Indian Ocean Memorandum of Understanding on Port State Control (TMOU and IOMOU respectively).

The subject and content of these CIC's is discussed and agreed among the respective MoU's.

At the conclusion of the CIC, a report is prepared detailing the outcome of the CIC. The report is tabled at the annual Port State Control Committee meeting of the respective MoU, for adoption by the MOU members and then submitted to the International Maritime Organization (IMO).

Once the report is approved by the members of the MoU, a press release is issued and the full report along with the press release is available for download on the Tokyo MoU website here [http://tokyo-mou.org/publications/CIC\\_results.php](http://tokyo-mou.org/publications/CIC_results.php)

**Focused Inspection Campaigns (FIC's)** and Mini Focused Inspection Campaigns (Mini FIC's) are national initiatives carried out by the Australian Maritime Safety Authority (AMSA). The purpose of FIC's is to target specific areas that have been identified as requiring increased attention by AMSA. These are identified by AMSA through the observation of trends emerging from routine analysis of PSC/FSC inspection data, or when new regulations come into effect.

When planning for an FIC, AMSA publishes relevant information such as that at <https://www.amsa.gov.au/vessels-operators/port-state-control/cargo-securing-focused-inspection-campaign-1-august-31-october>

When an FIC is complete, AMSA publishes the results at <https://www.amsa.gov.au/vessels-operators/port-state-control/historical-focused-inspection-campaigns>

Further to the CIC and FIC programs, AMSA also publishes Annual Port State Control Reports <https://www.amsa.gov.au/vessels-operators/port-state-control#collapseArea363> and have recently published annual incident reports. The domestic vessel report is found here <https://www.amsa.gov.au/vessels-operators/incident-reporting#collapseArea574> and the report (with 4 year analysis) for international trading vessels will be published shortly.



**Relevant Transcript Excerpt:**

**Mr Kinley:** In very simple terms, if it is required to be on the Australian shipping register, or if it's going to trade internationally, it will be a regulated Australian vessel. If it has what is termed a 'safety certificate' under the Navigation Act, it is required to be a regulated Australian vessel.

**CHAIR:** How many of them do we have?

**Mr Kinley:** We took that one on notice, so we'll give you that number.

**AMSA Response**

The total number of Regulated Australian Vessels (RAVs) is **176** as at 2 October 2020. This number changes frequently.

There are **45** Regulated Australian Vessels (RAVs) as at 2 October 2020 that have been issued with Maritime Labour Convention (MLC) certification. These vessels are certified for unrestricted operations, that is, they carry certification that permits them to operate without restriction in Australian, foreign and international waters.



**Relevant Transcript Excerpt:**

**CHAIR:** The labour conventions and the watch—and what was the other one? The dangerous goods.

**Mr Kinley:** Again, the Maritime Labour Convention does; it is just not applied entirely through our legislation. Some of it is, and some of it is under the states. On the lookout requirements, again, I will have to go back and look in detail at the STCW convention and how that is applied through the national law. There is Marine Order 504, and there is Marine Order 505, so there are different aspects of that. The IMDG Code—again, that's one that was not contemplated to be part of the national law when the original IGA was done. I think we said that we thought that that was something that could be looked at in the future in our other inquiry.

**CHAIR:** Alright. I'll let you come back to me and the committee on that.

**AMSA RESPONSE:**

The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended (STCW) was developed by the International Maritime Organization (IMO) to create an internationally agreed standard of training for seafarers serving on vessels of  $\geq 500$  GT or  $\geq 750$  kW propulsion power, trading internationally. It came into effect in 1984 and currently there are 164 countries that are signatory to it. The Standards were updated by the IMO in 1995 and again in 2010.

The principles governing near-coastal voyages are stated in the STCW Code Section A-I/3. Australia declared its near-coastal waters to the IMO in July 1998, which are voyages within 200 nautical miles of the Australian coast.

STCW Code Section A-I/3 permits an Administration to vary the 'Knowledge, understanding and proficiency' standard of competence tables for master & mates, engineers and ratings when serving on vessels in near-coastal waters. Australia adopted this flexibility and created a separate certificate stream for those completing such voyages. The current regulations are contained within Marine Order 505 (Certificates of competency – national law) and the National Standard for Commercial Vessels, Part D, Crew competencies.