

Four Minor Treaty Actions

Introduction

- 5.1 Minor treaty actions are generally technical amendments to existing treaties which do not impact significantly on the national interest.
- 5.2 Minor treaty actions are presented to the Committee with a one-page explanatory statement and are listed on the Committee's website. The Committee has the discretion to formally inquire into these treaty actions or indicate its acceptance of them without a formal inquiry and report.

Minor treaty actions

- 5.3 There are four minor treaty actions reviewed in this chapter. The Committee determined not to hold a formal inquiry into these treaty actions, and agreed that binding treaty action may be taken in each case.
- 5.4 The first three treaty actions are closely related. They were all adopted at the 91st session of the Maritime Safety Committee (MSC) of the International Maritime Organization (IMO) and will be given effect through Marine Order 31 (*Ship surveys and certification*).

Amendments, adopted at London on 30 November 2012, to the International Convention for the Safety of Life at Sea, 1974, as amended IMO Resolution MSC.338(91).

- 5.5 The Explanatory Statement by the Department of Infrastructure and Transport (DIT) states that the proposed treaty matter will revise international regulations for the construction and operation of ships, specifically: noise protection for seafarers, fire protection of cargo spaces and provision of equipment to recover persons from the water. There are

- no perceived adverse effects and additional administrative requirements on the shipping industry are expected to be minimal.
- 5.6 The *International Convention for the Safety of Life at Sea, 1974*, (SOLAS, [1983] ATS 22) is administered by the IMO. The IMO Committee with responsibility for SOLAS is the MSC.
- 5.7 Chapter II-1 of SOLAS provides requirements for the construction of ships including their structure, subdivision and machinery and electrical installations. Resolution MSC.338(91), adopted at the 91st session of the MSC, amends Chapter II-1 to require ships to be constructed to reduce onboard noise and to protect personnel from noise in accordance with the new *Code on noise levels on board ships*.¹
- 5.8 The amendment to Chapter II-1 will apply to ships of 1600 gross tonnage and above, contracted for construction from 1 July 2014, or which have their keels laid on or after 1 January 2015, or are delivered from 1 July 2018.
- 5.9 Chapter II-2 of SOLAS provides requirements for the construction and equipment of ships regarding fire protection. Chapter II-2 is amended to require ro-ro (roll on-roll off) and vehicle spaces to be constructed with higher fire resistance rating, and updates requirements of fixed fire-extinguishing systems for such spaces. These amendments will apply to ships built from 1 July 2014.
- 5.10 Chapter II-2 is also amended to provide for fire-fighters' communication arrangements, with two-way portable radiotelephone apparatus being provided for fire-fighting teams. These amendments will apply to all ships with a phase-in period from 1 July 2014 to 1 July 2018.
- 5.11 The amendments to these chapters generally apply to the construction of new ships. The explanatory statement says the amendments will have minimal regulatory impact as they will be allowed for in the early design phase of the construction of a ship, or will require the use of equipment already carried on most ships.
- 5.12 Chapter III of SOLAS provides requirements for lifesaving appliances and arrangements on board ships. Chapter III is amended to require ships to have plans and procedures in place for recovery of persons from the water, and the procedures will identify equipment to be used for these purposes. The amendments will apply to all ships from their first safety

1 Adopted by the MSC at the same meeting through resolution MSC.337(91). The Code is to limit noise levels and reduce seafarers' exposure to noise; so to provide for safe working conditions; protect the seafarer from excessive noise levels which may give rise to a noise-induced hearing loss; and provide the seafarer with an acceptable degree of comfort and rest, recreation and other spaces.

equipment survey after 1 July 2014, with all ships required to comply by 1 January 2017. The requirement for such plans and procedures is expected to be incorporated into existing procedures carried on-board ships and should be implemented relatively easily.

- 5.13 The Appendix to SOLAS details the forms of certificates to be carried by ships; it is amended by replacing all existing certificates with updated certificates. This amendment is of an administrative nature and harmonises certificates between the SOLAS Convention and its 1978 and 1988 Protocols. The amendments to the SOLAS Appendix will reduce the number of different types of certificates a ship may be required to carry, and therefore should reduce administrative burdens on both ship owners and organisations that conduct survey and certification of ships.
- 5.14 The Australian ship building industry is relatively small and current construction companies have been consulted and are satisfied with the proposed changes.
- 5.15 The amendments will be deemed to have been accepted on 1 January 2014, unless a sufficient number of Contracting Parties (not less than 50 per cent of the gross tonnage of the world's merchant fleet), notify an objection prior to that date. If accepted, the amendments will enter into force on 1 July 2014.
- 5.16 Australia's endorsement of this Resolution is consistent with its long-standing support for protection of life and safety at sea, and also with its active backing of (and participation in) the International Maritime Organization.
- 5.17 Marine Order 31 (*Ship surveys and certification*) gives effect to the certification requirements of SOLAS. This Marine Order will require only minor amendments to the forms of certificates contained within the schedule to the Marine Order.

Amendments, adopted at London on 30 November 2012, to the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974, as amended IMO Resolution MSC.343(91)

- 5.18 The Explanatory Statement by DIT states that the proposed treaty matter will revise international regulations for the certification of cargo ships, specifically, the forms used for certification. There are not expected to be any adverse effects for stakeholders, with no additional costs or administrative requirements placed on the shipping industry.
- 5.19 The *Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974*, (1978 SOLAS Protocol, [1983] ATS 28) is administered by the IMO, with the MSC having responsibility for it. The amendments were

- adopted at the 91st session of the MSC under IMO Resolution MSC.343(91).
- 5.20 The Appendix to the 1978 SOLAS Protocol details forms of certificates to be carried by ships. The appendix is amended by replacing existing forms of the Cargo Ship Safety Construction and Cargo Ship Safety Equipment certificates with updated certificates. This amendment is of an administrative nature and is focussed on harmonising the forms of certificates between the SOLAS Convention and its 1978 and 1988 Protocols.
- 5.21 This harmonisation will reduce the number of different types of certificates a ship may be required to carry, by requiring a single certificate that meets the requirements of both the 1978 and 1988 Protocols. This should reduce administrative burdens on both ship owners and organisations that conduct survey and certification of ships.
- 5.22 These amendments will be deemed to have been accepted on 1 January 2014, unless a sufficient number of Contracting Parties (not less than 50 per cent of the gross tonnage of the world's merchant fleet), notify an objection prior to that date. If accepted, the amendments will enter into force on 1 July 2014.
- 5.23 Australia's endorsement of this Resolution is consistent with its long-standing support for protection of life and safety at sea, and also with its active backing of (and participation in) the International Maritime Organization.
- 5.24 Marine Order 31 (*Ship surveys and certification*) gives effect to the certification requirements of SOLAS. This Marine Order will require only minor amendments to the forms of certificates contained within the schedule to the Marine Order.

Amendments, adopted at London on 30 November 2012, to the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974, as amended IMO Resolution MSC.344(91)

- 5.25 The Explanatory Statement by DIT states that the treaty matter proposed will revise international regulations for certification of cargo and passenger ships, specifically, the forms used for certification. There are not expected to be any adverse effects for stakeholders, with no additional costs or administrative requirements placed on the shipping industry.
- 5.26 The *Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974*, (1988 SOLAS Protocol, [2000] ATS 3) is administered by the IMO, with the MSC having responsibility for it. The amendments were adopted at the 91st session of MSC under IMO Resolution MSC.344(91).

- 5.27 The Appendix to the 1988 SOLAS Protocol details the forms of the certificates to be carried by ships. The Appendix is amended by replacing all existing forms of certificates with updated certificates. This amendment is of an administrative nature and is focussed on harmonising the forms of certificates between the SOLAS Convention and its 1978 and 1988 Protocols.
- 5.28 This harmonisation will reduce the number of different types of certificates that a ship may be required to carry, by requiring a single certificate that would meet the requirements of both the 1978 and 1988 Protocols. This should reduce administrative burdens on both ship owners and organisations that conduct the survey and certification of ships. The amendments will not affect compliance costs to ship construction companies or ship operators.
- 5.29 These amendments will be deemed to have been accepted on 1 January 2014, unless a sufficient number of Contracting Parties (not less than 50 per cent of the gross tonnage of the world's merchant fleet), notify an objection prior to that date. If accepted, the amendments will enter into force on 1 July 2014.
- 5.30 Australia's endorsement of this Resolution is consistent with its long-standing support for protection of life and safety at sea, and also with its active backing of (and participation in) the International Maritime Organization.
- 5.31 Marine Order 31 (*Ship surveys and certification*) gives effect to the certification requirements of SOLAS. This Marine Order will require only minor amendments to the forms of certificates contained within the schedule to the Marine Order.

Amendments, adopted at London on 30 November 2013, to the Protocol of 1988 relating to the International Convention on Load Lines, 1966, as amended IMO Resolution MSC.345(91).

- 5.32 The Explanatory Statement by DIT states that the treaty matter proposed will revise international regulations for the method of calculating minimum freeboards assigned to ships. It is perceived there will be no adverse effects on stakeholders, as there will be no additional cost or administrative requirements on the shipping industry.
- 5.33 The *International Convention on Load Lines, 1966* (Load Lines Convention, [1968] ATS 3) and the *Protocol of 1988 relating to the International Convention on Load Lines, 1966*, (1988 Load Lines Protocol, [2000] ATS 2) establish uniform principles and rules regarding the limit to which ships on international voyages may safely be loaded. The IMO Committee with responsibility for the 1988 Load Lines Protocol is the MSC, which at its 90th

session adopted amendments to the 1988 Load Lines Protocol under IMO Resolution MSC.345(91).

- 5.34 This resolution amends the method by which an initial condition of loading is determined when calculating freeboards² to be assigned to a ship. Minimum freeboards are assigned to vessels by registered shipping classification societies. The amendment provides for an alternative method to allow for the free surface effect of liquids in tanks³ when calculating an initial loading condition.
- 5.35 The Government states that the amendments do not change the requirements for assigning freeboards to ships but simply provide an alternative method for certain factors to be taken into account when determining freeboards. This will not affect the way in which vessels will be loaded, nor the amount of cargo a vessel can carry and will not affect compliance costs on the shipping industry.
- 5.36 The Explanatory Statement says Australia's endorsement of the Resolution is consistent with its long-standing support for protection of life and safety at sea, as well as its active backing of (and participation in) the IMO.
- 5.37 Marine Order 16 (Load Lines) will give effect to the amendment to the 1988 Load Lines Protocol without need for further amendment to the Marine Order.

Senator Bridget McKenzie
Acting Chair

2 Freeboard refers to the height above the waterline of the uppermost continuous deck, below which all openings in the side of the ship are fitted with a watertight closing.

3 The free surface effect refers to the action of liquids in a space when the angle of the space changes (i.e. as the ship rolls or lists to one side, the liquid in the space will naturally move to the lower side). The free surface effect of liquids causes an effective reduction in the stability of the ship, therefore increasing the angle of roll or list.