

Submission No. 3
Treaties Referred on 16 November 2010

Joint Standing Committee on Treaties
ANSWER TO QUESTIONS ON NOTICE
Infrastructure and Transport

Division/Agency: Surface Transport Policy - Maritime Policy Reform
Topic: The Hazardous and Noxious Substances Convention (HNS Convention)
Hansard Page/s: TR 6 - 7

Mr Kelvin Thomson (Chair), asked:

CHAIR—So how many countries have signed it (the hazardous and noxious substances convention) or ratified it? You are saying not enough have ratified it to bring it into legal force. Do we know how many countries are signatories to it or have taken steps to ratify it?

Ms Tan—I will have to take that question on notice.

CHAIR—Yes, both how many have signed or ratified it, and how many are needed.

Ms Tan—Okay.

CHAIR—And their identity.

Answer:

The HNS Convention was adopted in 1996. The Convention will enter into force eighteen months after the date on which the following conditions are fulfilled:

- (a) at least twelve States, including four States each with a merchant fleet of at least 2 million units of gross tonnage, have expressed their consent to be bound by it, and
- (b) the Secretary-General of the International Maritime Organization has received information that persons in those States who would be liable to contribute to the proposed HNS Fund have, between them, received during the preceding calendar year at least 40 million tonnes of contributing cargo.

As at 31 October 2010, 14 States had acceded to the HNS Convention but only three (Russia, Liberia and Cyprus) had the required 2 million units of gross tonnage. In addition, those 14 States had not yet provided information about the amount of contributing cargo received. As such, it was not possible to ascertain if the second condition for entry into force has been met.

The 14 States that have acceded are:

Angola	Ethiopia	Cyprus
Hungary	Liberia	Lithuania
Morocco	Russia	St Kitts and Nevis
Samoa	Sierra Leone	Slovenia
Syria	Tonga	

In April 2010 a Protocol to amend the 1996 HNS Convention was adopted. The 2010 Protocol will enter into force eighteen months after the date on which:

- (a) at least 12 States, including four States each with a merchant fleet of at least two million units of gross tonnage, have expressed their consent to be bound by it; and
- (b) contributors in the States that have ratified, or acceded to, the Convention must have, between them, received at least 40 million tonnes of contributing cargo during the preceding calendar year.

At present, no Parties have acceded to the 2010 HNS Protocol.

Infrastructure and Transport

Topic: Amendments to the Convention on the International Mobile Satellite Organisation adopted at the Twentieth Session of the Assembly
Hansard Page/s: TR 9 -10

Mr Kelvin Thomson (Chair), asked:

CHAIR—Thank you. The national interest analysis identifies that the International Maritime Organisation intends to allow private companies to provide these global maritime distress and safety system services. Do you think there are any dangers in privatising maritime safety in this way; and does the Australian government have a view about the privatisation of the Global Maritime Distress and Safety System?

Ms Tan—I will have to take that on notice.

CHAIR—You might have to take this on notice as well. If this privatisation proceeds, are there Australian companies which are capable of providing such services or being involved in this?

Ms Tan—We will have to take that on notice too.

CHAIR—In a similar vein, have either the International Maritime Organisation or the IMSO developed the criteria required to evaluate potential providers? Is there a general framework? Do we know what the state of play is in relation to that?

Mr Nelson—Certainly their intention is that they will be doing audits, but I understand the question and we will see whether they have developed any audit guidelines. We will take that on notice.

Answer:

The Australian Government considers there is no danger in the privatisation of maritime distress systems. The International Maritime Satellite Organization provider, Inmarsat, has been a private company for some years. Inmarsat is currently the sole approved provider of maritime mobile satellite services within the Global Maritime Distress and Safety System (GMDSS), although other companies provide maritime mobile satellite service outside the GMDSS. The amendments to the IMSO Convention will allow additional providers to potentially provide services to the GMDSS.

The Australian Government's view is that private companies already provide GMDSS services, including GMDSS maritime mobile services. The Australian Government was consulted prior to the privatisation of Inmarsat, and the formation of IMSO. The amendments to the IMSO Convention will provide the opportunity for more competition which on balance would be a positive outcome.

Currently, there are no Australian companies providing GMDSS maritime mobile satellite services directly. Partial Australian ownership of overseas providers may exist. Australian companies provide services to major international companies such as Iridium, Thuraya and Inmarsat (which now owns Stratos, the operator of the two Inmarsat satellite ground stations in Perth, Western Australia).

Private providers are covered by IMO Resolution A.1001(25), Criteria for the Provision of Mobile Satellite Communication Systems in the Global Maritime Distress and Safety System. This Resolution was adopted on 29 November 2007.

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Mr Forrest asked:

Mr FORREST—I am just curious as to why it is Canada and Spain and not some of the other big maritime countries. Anyway, the intention is to implement it provisionally, and that is good to see, on questions of safety. I understand that these changes extend the potential to use this kind of surveillance in outer space. Is that also part of the intention of the changes? You might have to take that on notice.

Answer:

These changes apply only to the provision of maritime mobile satellite communications services for the Global Maritime Distress and Safety System (GMDSS), and the coordination of Long-Range Identification and Tracking (LRIT) by IMSO. Maritime mobile satellite services use satellites in orbit around the earth but neither GMDSS nor LRIT systems are used for surveillance of outer space.

Ms Livermore asked:

Ms LIVERMORE—The amendment means that the Australian Maritime Safety Authority will now be audited for its role in the LRIT. What is the effect of that auditing, as you understand it, and how frequently will those audits take place?

Answer:

AMSA is not audited for LRIT per se, as the audit concentrates on the operation of the Australian LRIT Data Centre (AusCDC). This data centre is run by a commercial provider, Pole Star Global, and it also offers services to Papua New Guinea, New Zealand and the Cook Islands.

LRIT is addressed in Australia as a part of a whole of government response to vessel tracking, whereby the contract for the data centre is managed by Border Protection Command (BPC) and the day to day operation of LRIT is overseen by AMSA. The fees for the audit are also covered by the budget provided through BPC.

The commercial provider contracted to operate the AusCDC will be audited annually in accordance with criteria determined by the IMO and coordinated by IMSO. The first audit (for 2009 operations) was completed successfully. Costs for the audit in future will be shared amongst the members of AusCDC, based on the number of active vessels each member has in the system at the time the audit is conducted.