

Rural & Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Estimates 2014 - 2015
Infrastructure and Regional Development

Question no.: 105

Program: n/a

Division/Agency: Australian Maritime Safety Authority

Topic: Port State Control - Detentions

Proof Hansard Page: 138 (24 February 2015)

Senator Sterle Glenn asked:

Senator STERLE: on notice, Mr Kinley, can you let us know, for the last four or five years, say, how many ships from what countries have been detained and for what reasons?

Mr Kinley: From our port state control report, I can give you that. They have all those statistics.

Senator STERLE: If you take that on notice, that would be very helpful.

Answer:

The Australian Maritime Safety Authority (AMSA) conducts an extensive Port State Control (PSC) programme which is undertaken in line with the authority contained within the International Maritime Organization conventions on ship safety and pollution prevention, as well as the provisions noted within the *Australian Navigation Act 1912* and Marine Orders.

Details of AMSA's PSC programmes are summarised in PSC Annual Reports. These are publically available for the years 1998 to 2013 at: <http://www.amsa.gov.au/forms-and-publications/International/publications/Ship-Safety/PSC-Annual-Reports/index.asp>. The 2014 PSC Annual Report is yet to be finalised.

In addition, AMSA publishes an online monthly report that provides full details of all detentions for the relevant month. These monthly reports are retained online back until 2010. This information does include the 2014 monthly detention details and can be found at: <http://www.amsa.gov.au/vessels/ship-safety/port-state-control/ship-detention/index.asp>. Information is published in accordance with section 190 AB of the *Navigation Act 1912* and Marine Order 55.

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Question no.: 106

Program: n/a

Division/Agency: Australian Maritime Safety Authority

Topic: Cruise Ship Companies – Liberian registered

Proof Hansard Page: 139 (24 February 2015)

Senator Sterle Glenn asked:

Senator STERLE: Fine. It goes to Senator Heffernan's phobia about tax avoidance. What about cruise ships companies? Do any of them have Liberian-registered ships, or are any of the cruise ship companies registered in Liberia?

Mr Kinley: I would have to check on that. My experience is they tend to mostly be flagged in Bermuda or the Bahamas.

Answer:

The most recent visit to an Australian port by a Liberian-flagged passenger ship was in March 2002. This ship was called *Legend of the Seas* and whilst it was Liberian flagged in 2002, it had changed to Bahamas flag by 2003. No Liberian flagged passenger ship has called to an Australian port since then.

AMSA understands through international records, that whilst Liberia is the second largest flag state in the world, with some almost 3200 ships, it has only two passenger ships within its fleet.

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Question no.: 107

Program: n/a

Division/Agency: Australian Maritime Safety Authority

Topic: Ships List - Regulated Australian Vessels

Proof Hansard Page: Written

Senator Sterle Glenn asked:

1. Is it the case the regulatory scope applies to Regulated Australian Vessels as defined by s 15 of the Navigation Act 2012?
2. What scope applies – does it include ship safety?
3. Why won't AMSA publish on its website a list of ships that are Regulated Australian Vessels (RAVs) as defined in s15 of the Navigation Act 2012, and therefore subject to such regulation?

Answer:

1. Yes.
2. The *Navigation Act 2012* (the Act) contains four Objects. Two of the four objects relate specifically to ship safety. The Objects of the Act are:
 - a) To promote the safety of life at sea; and
 - b) To promote safe navigation; and
 - c) To prevent pollution of the marine environment; and
 - d) To ensure that AMSA has the necessary power to carry out inspections of vessels and enforce national and international standards.
3. AMSA does not publish a list of Regulated Australian Vessels because, due to the mutable nature of the industry, the currency and accuracy of information cannot readily be kept up to date. The criteria for complying with the definition of a Regulated Australian Vessel is in part held in the *Shipping Registration Act 1981*, in part in records from Classification Societies and in part the records maintained for vessels that opt-in or declare out of the *Navigation Act 2012*. Resources are not available to maintain a comprehensive list on an ongoing basis.

AMSA publishes a list of ships registered on the Australian Shipping Register and a list of ships that either obtained declarations to have the *Navigation Act 1912* apply or ships declared to not be Regulated Australian Vessels under the *Navigation Act 2012*. This information is published on AMSA's website at: <http://www.amsa.gov.au/vessels/ship-safety/declared-vessels/>.

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Question no.: 108

Program: n/a

Division/Agency: Australian Maritime Safety Authority

Topic: Treaty Ratification

Proof Hansard Page: Written

Senator Sterle Glenn asked:

Can you confirm that all the 50-60 nations with flagged ships that visit Australia (see table 10, Port State Control Report 2013) have ratified the:

1. SOLAS Convention (Safety of Life at Sea)? Why has Australia ratified it? What does this Treaty do?
2. If not all countries that visit Australia have ratified, which ones haven't?
3. International Convention on Load Lines? Why has Australia ratified it? What does this Treaty do?
4. If not all countries that visit Australia have ratified, which ones haven't?
5. Marine Pollution also known as MARPOL? Why has Australia ratified it? What does this Treaty do?
6. If not all countries that visit Australia have ratified, which ones haven't?
7. Maritime Labour Convention? Why has Australia ratified it? What does this Treaty do?
8. If not all countries that visit Australia have ratified, which ones haven't?
9. International Convention on Civil Liability for Oil Pollution Damage? Why has Australia ratified it? What does this Treaty do?
10. If not all countries that visit Australia have ratified, which ones haven't?

Answer:

The answer to the question is provided at [Attachment A](#).

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Attachment A

Convention	Why has Australia ratified it?	What does this Treaty do?	Which of the flag states listed in table 10 of the Port State Control Report 2013 have not ratified?
<p>1. Safety of Life at Sea (SOLAS)</p>	<p>1(a) Australia has ratified the SOLAS Convention to safeguard life at sea and to protect property and the marine environment. SOLAS is described by the International Maritime Organization as being ‘generally regarded as the most important of all international treaties concerning the safety of merchant ships’.</p> <p>Australia is reliant on sea transport to facilitate international trade. Australia is reliant on ships trading in Australian waters being seaworthy, having competent crews, and the ability to safely navigate through pristine marine environments.</p>	<p>1(b) The main objective of the Safety of Life at Sea Convention is to specify minimum standards for the construction, equipment and operation of ships, compatible with their safety.</p> <p>Flag States are responsible for ensuring that ships under their flag comply with its requirements, and a number of certificates are prescribed in the Convention as proof that this has been done.</p> <p>Port state control provisions also allow Contracting Governments to inspect ships of other Contracting States if there are clear grounds for believing that the ship and its equipment do not substantially comply with the requirements of the Convention - this procedure is known as port State control.</p>	<p>2. All flag states listed in table 10 have ratified SOLAS.</p> <p>Australian legislation requires all vessels calling at Australian ports to be compliant with SOLAS.</p> <p>This is enforced through Australia’s port state control inspection regime.</p>
<p>3. International Convention on Load Lines (Load Line)</p>	<p>3(a) Australia has ratified the Load Line Convention to ensure that ships are not overloaded for the voyage to be undertaken, as a measure to safeguard life at sea and to protect property and the marine environment.</p>	<p>3(b) The International Convention on Load Lines establishes uniform principles and rules for the limits to which ships on international voyages may be loaded to safeguard life and property at sea.</p> <p>Limitations on the draught to which a ship may be loaded make a significant contribution to ship safety. These limits are given in the form of freeboards (the distance from the waterline/load line to the upper deck level), which with external weather tight and watertight integrity, constitute the main objective of the Convention.</p> <p>In the 1966 Load Lines convention provisions are made for determining the freeboard of ships by subdivision and damage stability calculations. The regulations take into account the potential hazards present in different zones and different seasons.</p>	<p>4. All flag states listed in table 10 have ratified the Load Line convention.</p> <p>Australian legislation requires all vessels calling at Australian ports to be compliant with the Load Line Convention.</p> <p>This is enforced through Australia’s port state control inspection regime.</p>

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Convention	Why has Australia ratified it?	What does this Treaty do?	Which of the flag states listed in table 10 of the Port State Control Report 2013 have not ratified?
<p>5. Marine Pollution (MARPOL)</p>	<p>5(a) Australia has ratified MARPOL to ensure that ships which visit Australian ports operate in a manner which is safe and protects the marine environment.</p> <p>Australia has a number of shipping routes which traverse pristine environmental areas such in the Great Barrier Reef, Coral Sea and Torres Strait.</p> <p>It is in Australia's interests to ensure that ships are operated in a manner which maximises ship safety and ensures environmentally sound operational practices.</p>	<p>5(b) The International Convention for the Prevention of Pollution from Ships (MARPOL) is the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes.</p> <p>The Convention includes regulations aimed at preventing and minimising pollution from ships - both accidental pollution and that from routine operations.</p>	<p>6. All flag states listed in table 10 have ratified MARPOL.</p> <p>Australian legislation requires all vessels calling at Australian ports to be compliant with MARPOL.</p> <p>This is enforced through Australia's port state control inspection regime.</p>
<p>7. Maritime Labour Convention (MLC)</p>	<p>7(a) There are a number of reasons that Australia has ratified the Maritime Labour Convention 2006 (MLC) including that:</p> <ul style="list-style-type: none"> • The MLC provides modern standards for the decent living and working conditions for seafarers on Australian ships and on foreign-flagged ships entering Australian ports. • The MLC creates a level playing field for ship owners and operators. <p>Australian ships benefit from the MLC system of certification, avoiding or reducing the likelihood of lengthy delays related to inspections for compliance with the Convention in foreign ports.</p>	<p>7(b) The MLC establishes comprehensive rights and protections for the world's seafarers and aims to achieve decent work arrangements for seafarers.</p> <p>The MLC 2006 consolidated and updated more than 68 pre-existing International Labour Organization (ILO) conventions and entered into force internationally as a mandatory instrument on 20 August 2013.</p>	<p>8. China (Hong Kong, China and Taiwan), Cook Islands, Dominica, Egypt, India, Indonesia, Kuwait, New Zealand, Papua New Guinea, Portugal, Qatar, Saudi Arabia, Solomon Islands, Sri Lanka, Thailand, Tonga, Turkey, United States and Vanuatu have not ratified MLC.</p> <p>Belize has not currently ratified the MLC but it will enter into force on 8 July 2015.</p> <p>The MLC requires ratifying countries to apply the terms of the MLC to all foreign ships coming into their ports.</p>
<p>9. International Convention on Civil Liability for</p>	<p>9(a) Australia has ratified the CLC and the International Convention on the Establishment of an International Fund for Oil Pollution Compensation</p>	<p>9(b) The CLC was adopted to ensure that adequate compensation is available to persons who suffer oil pollution damage resulting</p>	<p>10. Thailand and the US have not ratified the CLC.</p>

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Convention	Why has Australia ratified it?	What does this Treaty do?	Which of the flag states listed in table 10 of the Port State Control Report 2013 have not ratified?
<p>Oil Pollution Damage (CLC)</p>	<p>(Fund Convention) to ensure that comprehensive compensation is available to cover the costs of an incident resulting in oil pollution from ships carrying oil as cargo in the event of an incident in Australian waters.</p> <p>Under the Fund Convention, if the established costs of an oil pollution incident exceed the shipowners' limit of liability then claims can be made against the International Oil Pollution Compensation Fund (IOPC Fund) up to the limit of the Fund.</p> <p>The IOPC Funds are financed by contributions paid by entities that receive certain types of oil by sea transport. These contributions are based on the amount of oil received in the relevant calendar year, and cover expected claims, together with the costs of administering the Funds.</p>	<p>from maritime casualties involving oil-carrying ships.</p> <p>The CLC places the liability for such damage on the owner of the ship from which the polluting oil escaped or was discharged. Subject to a number of specific exceptions, this liability is strict - it is the duty of the owner to prove in each case that any of the exceptions should in fact operate. However, except where the owner has been guilty of actual fault, they may limit liability in respect of any one incident.</p> <p>The CLC requires ships covered by it to maintain insurance or other financial security in sums equivalent to the owner's total liability for one incident.</p> <p>The CLC applies to all seagoing vessels actually carrying oil in bulk as cargo, but only ships carrying more than 2,000 tons of oil are required to maintain insurance in respect of oil pollution damage.</p>	<p>Australia requires all vessels that the CLC applies to and which visit Australian ports to maintain insurance to cover their liability under the CLC.</p>

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Program: n/a

Division/Agency: Australian Maritime Safety Authority

Topic: Navigation Act Qualifications (Ratings) Exemption

Proof Hansard Page: Written

Senator Sterle Glenn asked:

Why did AMSA extend the Navigation Act Qualifications (Ratings) Exemption 2014 on 1 December 2014 for a further 12 months to 31 March 2016, without limitations on its effect or scope, thus allowing some shipping operators and employers to remove qualified crew and replace them with crew who don't meet the licensing standards under Marine Order 73, in circumstances where AMSA had representations about the negative employment practices of some employers under the exemption that has operated since 2 April 2014?

Answer:

The Marine Order 70 series (Marine Orders 70, 71, 72 and 73) relating to seafarer certifications came into effect on 1 April 2014.

Prior to issue of the Marine Order 70 series, ratings holding a Certificate of Safety Training, together with other documentary evidence acceptable to the Master or Chief Engineer, met minimum training requirements.

Under the Marine Order 70 series, the requisite training changed to require that, in addition to holding a Certificate of Safety Training with security awareness endorsement, crew forming part of the navigational or engineering watch must complete either: two months documented qualifying sea service and an approved programme of study; or at least six months documented qualifying sea service that includes approved vocational training.

The *Navigation Act Qualifications (Ratings) Exemption 2014* was issued as a transitional arrangement to enable crew serving on Regulated Australian Vessels to meet the new requirements. The Exemption was initially issued for one year to encourage companies and individuals to take action in a timely manner.

However, subsequent advice from companies and the Maritime Union of Australia indicated that a significant number of ratings had not been able to complete the training in the prior year and AMSA extended the exemption to allow individuals more time to complete the training.

AMSA determined it was neither practical nor appropriate to change the limitations on the exemption or to restrict the exemption to certain sectors. In issuing any exemption, AMSA acts to ensure decisions are fair, transparent, equitable and consistent.

The exemption is issued to allow a continuation of the previous minimum training standards until upgraded competencies are obtained. The exemption allows for current shipping operations to continue and an opportunity for ratings to obtain the additional training requirements set out in Marine Order 70 series without adversely impacting on the employment opportunities of seafarers.

AMSA has not been provided with evidence that the Exemption has aided negative employment practices.

AMSA does not anticipate that an extension beyond 31 March 2016 will be necessary. The timeframe provided is considered sufficient for all ratings (to which the exemption applies) to undertake the additional training requirements.