

**Rural & Regional Affairs and Transport Legislation Committee**  
ANSWERS TO QUESTIONS ON NOTICE  
Additional Estimates 2016 - 2017  
**Infrastructure and Regional Development**

**Committee Question Number:** 142  
**Departmental Question Number:** SQ17-000092

**Program:** n/a  
**Division/Agency:** Australian Maritime Safety Authority  
**Topic: Process for Seafarer identity documents**  
**Proof Hansard Page:** 138 (27 February 2017)

**Senator Sterle, Glenn asked:**

**Senator STERLE:** Could you advise us if there are any differences in the process AMSA follows where the seafarer originates, according to their identity documents:

- a) from a nation where AMSA has an MOU and,
- b) from a nation where AMSA does not have an MOU.

**Mr Kinley:** Yes. I will probably have to take that on notice to get into what the details of the differences in process are.

**Answer:**

- a) If the Australian Maritime Safety Authority (AMSA) has a Memorandum of Understanding (MOU) with the country, AMSA will issue a Certificate of Recognition to the applicant, provided the following documentation is held:
  - a. a valid primary Certificate of Competence (checked by AMSA);
  - b. certificate of Medical Fitness issued by an AMSA approved doctor;
  - c. a valid visa to work in Australia; and
  - d. a successful completion of an oral exam conducted by an AMSA examiner.
- b) If AMSA does not have a MOU with the country, AMSA will issue a Restricted Certificate of Recognition to the applicant, provided the following documentation is held:
  - a. a valid primary Certificate of Competence (checked by AMSA);
  - b. certificate of Medical Fitness issued by an AMSA approved doctor;
  - c. a valid visa to work in Australia;
  - d. a successful completion of an oral exam conducted by an AMSA examiner; and
  - e. a letter of offer from a Company confirming employment with the applicant.

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**Committee Question Number:** 143  
**Departmental Question Number:** SQ17-000093

**Program:** n/a  
**Division/Agency:** Australian Maritime Safety Authority  
**Topic:** On-board Inspections in relation to formal directions  
**Proof Hansard Page:** 139 (27 February 2017)

**Senator Dastyari, Sam asked:**

**Senator DASTYARI:** How many onboard inspections have been undertaken in respect of AMSA's formal directions?

**Mr Kinley:** I do not have that information with me right now.

**Senator DASTYARI:** Are you able to take that on notice?

**Mr Kinley:** Yes.

**Senator DASTYARI:** I have a few here so I will try to get through them. So they have been inspections?

**Mr Kinley:** Yes.

**Senator DASTYARI:** Do you know if any of them have been unannounced or have they all been prearranged?

**Mr Kinley:** I will have to check on that. As part of our port state control regime it would normally be undertaken alongside those. Our regular port state control inspections, where we go onboard a ship and we assessed them for compliance with all international conventions, generally is done as part of that process which is an unannounced process.

**Senator DASTYARI:** You will check, but you of the view that they are unannounced. You will confirm that.

**Mr Kinley:** Yes.

**Answer:**

As at 14 March 2017, 41 passenger vessels had been issued with a Direction from the Australian Maritime Safety Authority. Of the 41 Directions issued, 16 compliance inspections have been conducted.

Of the 16 compliance inspections completed, 12 inspections were unannounced and four inspections were conducted (pre-arranged) at the time of a port State control inspection.

The majority of compliance inspections are unannounced.

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**Committee Question Number:** 144  
**Departmental Question Number:** SQ17-000094

**Program:** n/a  
**Division/Agency:** Australian Maritime Safety Authority  
**Topic:** Penalties for non-compliance - Emissions  
**Proof Hansard Page:** 140 (27 February 2017)

**Senator Dastyari, Sam asked:**

**Senator DASTYARI:** Can you take on notice what the penalties for noncompliance are? I am sure there is a whole schedule.

**Mr Kinley:** Yes. I think it ranges between \$540,000 to \$4.4 million.

**Answer:**

The Australian Maritime Safety Authority (AMSA) issues Directions to cruise ships under Section 246 (1)(b) of the *Navigation Act 2012*. Section 247 provides for penalties that apply for not complying with AMSA Directions.

Those maximum penalties are;

1. criminal prosecution leading to imprisonment for up to 10 years and/or a fine of up to (600 penalty units) \$540,000;
2. a non-criminal penalty of (6000 penalty units) up to \$5.4 million.

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**Committee Question Number:** 145  
**Departmental Question Number:** SQ17-000095

**Program:** n/a  
**Division/Agency:** Australian Maritime Safety Authority  
**Topic:** Skandi Pacific Fatality  
**Proof Hansard Page:** Written (28 February 2017)

**Senator Roberts, Malcolm asked:**

Regarding the Skandi Pacific fatality

- a) Is the Australian Maritime Safety Authority [AMSA] aware of the report published in November 2016 by the Australian Transport Safety Bureau [ATSB] into the fatality in July 2015 on board the Offshore Support Vessel Skandi Pacific?
- b) Does AMSA agree with the ATSB observation that the Occupational Health and Safety (Maritime Industry) Act 1993 does not apply to Australian seafarers on the Skandi Pacific?
- c) If AMSA does agree that the OHS(MI) Act does not apply to the Skandi Pacific, then does AMSA also agree that the consequence of this is that AMSA cannot conduct an investigation into a fatality of an Australian seafarer on the vessel even though it was operating in Australia's EEZ?
- d) Has AMSA had any contact from the Bahamas Maritime Authority about the fatality on the Skandi Pacific?
- e) Is AMSA aware whether the Bahamas Maritime Authority is conducting an inquiry into the fatality on the Skandi Pacific?
- f) Has AMSA had any communications from the Bahamas Maritime Authority in relation to the Skandi Pacific? If so what have been the nature of those communications?
- g) Is AMSA aware of any prosecutions by the Bahamas Maritime Authority for breaches of the Bahamas occupational health and safety law and/or regulations?
- h) Does AMSA agree that the OHS(MI) Act does not apply generally to Australian seafarers on all foreign flag vessels operating in the Australian Exclusive Economic Zone [EEZ]?
- i) If AMSA does agree that the OHS(MI) Act does not apply generally to Australian seafarers on foreign flag vessels in Australia's EEZ, then does AMSA also agree that the consequence of this is that AMSA cannot initiate any prosecutions for breach of Australian health and safety laws on foreign flag vessel operating in Australia's EEZ?
- j) Is AMSA able to provide an estimate of the number of foreign flag vessels operating in the Australian EEZ?

**Answer:**

- a) Yes.
- b) The Department of Employment administers the *Occupational Health and Safety (Maritime Industry) Act 1993* and questions regarding coverage should be directed to the Department of Employment.
- c) Refer to answer b).
- d) No.
- e) No.
- f) No.
- g) No.
- h) Refer to answer b).
- i) Refer to answer b).
- j) During the 2016 calendar year, there were 8,813 foreign flagged vessels within the Australian mainland Economic Exclusion Zone, with 5,719 making 27,516 port arrivals at Australian ports and the remaining 3,094 transiting.