

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates 2016 - 2017

Infrastructure and Regional Development

Committee Question Number: 104

Departmental Question Number: SQ17-000043

Program: n/a

Division/Agency: Surface Transport Policy

Topic: Briefing for Mr Greg Hunt and coastal trading revenue

Proof Hansard Page: 102 (27 February 2017)

Senator Sterle, Glenn asked:

Senator STERLE: I have had a lot to say about this, so I will not surprise anyone with where I am going on this, but I was talking to a miner the other day, and this Western Australian miner was paying a billion dollars in tax this year, yet the internationally owned ones are not. Isn't that amazing? Anyway, I just thought I would throw that one in. No wonder it gets hard for Aussies to be employed. But that is not for here; that is for taxation and other things.

Let's talk about the coastal trade licensing. Did the department or the minister brief former industry minister Mr Greg Hunt or his department prior to Minister Hunt meeting with Alcoa executives in the US in December 2016 to raise the issue of Alcoa's use of foreign ships employing foreign crew in its domestic alumina trade, contrary to the intent of the coastal trading act, as part of the federal government's commitment to assist Alcoa in keeping open the Portland smelter?

Ms Zielke: I do not believe so—not in relation to those specific issues in particular. Obviously we have department-to-department discussions, but nothing of that nature. I am happy to check whether we have had any engagement with them in relation to Portland.

Senator STERLE: I would ask: why didn't you? You can take that on notice.

....

Senator STERLE: I am just asking. That is the beauty; I am allowed to ask anyway. Can you tell me how much revenue the department collected from licence fees from the administration of the coastal trading act in 2015-16 and in each of the previous two financial years?

Ms Werner: I can tell you the figures for 2015-16, which was \$397,000, however I do not have the figures for the two previous years with me.

Senator STERLE: All right, if you could take that on notice for the two previous years that would be appreciated, thank you. Can you tell me how many temporary licences have been issued to expedition cruise companies since July 2012, and I will just give you some categories: who are the holders of those licences; how many voyages have been authorised under each of those licences in each year since 2012; and is APT one of those licence holders?

Ms Zielke: I will just check that with Ms Werner, but I doubt very much that we have that information to hand. I am happy to take that on notice.

Answer:

The Department did not provide briefing to Mr Greg Hunt in December 2016 regarding Portland.

Departmental revenue from coastal trading licence fees for 2013-14 was \$284,040 and 2014-15 was \$321,930.

The Department does not issue licences to 'expedition cruise' companies, it issues licences in relation to the movement of passengers. The Department has previously issued temporary licences for the movement of passengers to two organisations – Harvey Bay Pty Ltd and Australia Pacific Touring.

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As of 14 March 2017, the following licences authorising movement of passengers have been issued:

Year of temporary licence application approval	Organisation	Number of voyages carrying passengers authorised under the licence
2013	Harvey Bay Pty Ltd	15
2013	Harvey Bay Pty Ltd	5
2014	Australia Pacific Touring	7
2014	Australia Pacific Touring	5
2015	Australia Pacific Touring	6
2016	Australia Pacific Touring	5
2017	Australia Pacific Touring	6

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Committee Question Number: 105

Departmental Question Number: SQ17-000044

Program: n/a

Division/Agency: Surface Transport Policy

Topic: APT licenced voyages

Proof Hansard Page: 103 (27 February 2017)

Senator Sterle, Glenn asked:

Senator STERLE: Just so it is all clear, APT were granted these authorisations?

Ms Werner: Yes. APT were granted a temporary licence and five voyages were approved.

Senator STERLE: Okay. Where were the crew from? Was it an Australian crew?

Ms Werner: I do not have that information.

Senator STERLE: Would you be able to get that for me? Do you look at that?

Ms Werner: It is not a matter that I would have had before me as the delegate in that decision at that time, no.

Senator STERLE: Does anyone in the department know? Say someone is asking for a temporary licence, does anyone in the department make sure that it is an Australian crew?

Ms Werner: Temporary licence holders are not required to have Australian crews, so no.

Senator STERLE: Okay. You will take that on notice and come back to me and tell me.

Ms Werner: The nationality of the crew for APT at the time. Yes, I will try to find that out, if the voyages were conducted, yes.

Answer:

While APT holds a coastal trading licence to move passengers, it has not conducted any voyages under a coastal trading licence.

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Committee Question Number: 106

Departmental Question Number: SQ17-000046

Program: n/a

Division/Agency: Surface Transport Policy

Topic: LPG tanker temporary licences

Proof Hansard Page: 105 (27 February 2017)

Senator Sterle, Glenn asked:

Senator STERLE: Can you tell me why the department has allowed LPG tankers to undertake interstate trade around the east coast for the past four years without issuing a single TL?

Ms Werner: I cannot tell you that. I am not aware of that being the fact.

Senator STERLE: Ms Zielke, did you know that?

Ms Zielke: No, I would need to investigate that further.

Mr Mrdak: If you could provide us with any details, we would be very happy to pursue them and determine whether the vessels fell within the coastal trading regime.

Answer:

We are not aware of any LPG tankers undertaking coastal trading activities without holding a licence.

Since 1 July 2012, 475 different voyages authorised under temporary licences have been undertaken by LPG tankers.

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Committee Question Number: 107

Departmental Question Number: SQ17-000048

Program: n/a

Division/Agency: Surface Transport Policy

Topic: Coastal Trading Compliance

Proof Hansard Page: 106 (27 February 2017)

Senator Sterle, Glenn asked:

Senator STERLE: How many different foreign ships have undertaken voyages authorised under temporary licences in each year since 2012? And can you tell me what the rate of compliance or noncompliance is given those ship numbers in each year since 2012?

Ms Werner: Again, we have taken this question on notice previously.

Senator STERLE: But I have not asked it.

Ms Werner: I cannot tell you off the top of my head.

Ms Zielke: Could you repeat the question for me and I will tell you what I can.

Senator STERLE: I just want to know how many different foreign ships have undertaken voyages authorised under temporary licences in each year since 2012, and then I also asked what is the rate of compliance or noncompliance given those ship numbers in each year since 2012?

Ms Werner: I do not have a year-by-year breakdown with me, I am afraid.

Mr Mrdak: We will take that on notice and we will get that information.

Answer:

The following table outlines the number of different foreign vessels that have undertaken voyages authorised under temporary licences in each year since 2012, as at 14 March 2017.

Year	Number of vessels
2012	192
2013	380
2014	404
2015	438
2016	512
2017	155

Under the *Coastal Trading (Revitalising Australian Shipping) Act 2012* the licence holder is responsible for compliance with the conditions of a licence, not the vessel.

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Committee Question Number: 108

Departmental Question Number: SQ17-000077

Program: n/a

Division/Agency: Surface Transport Policy

Topic: Thompson Clarke Shipping Report

Proof Hansard Page: 108-109 (27 February 2017)

Senator Sterle, Glenn asked:

Senator STERLE: I agree with you. It is because the likes of Alcoa and BP are selling off their Australian ships, reflagging them and crewing them with foreign workers. That is the truth of the matter. Given that Thompson Clarke Shipping have done all this fantastic work, why can't we see the report?

Ms Zielke: It is still with the minister for consideration.

Senator STERLE: I think Ms Werner said—or I think I picked up—that it might not come out.

Ms Zielke: We are happy to take it on notice and see what the minister's views are.

Senator STERLE: I will not pursue this line. I think you know very well where I stand on this part of the debate. How about a copy for the committee? Can you give one to us? You can put it in camera.

Ms Zielke: I am happy to take that on notice and to ask the minister.

Answer:

The Minister is still considering the report.

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Committee Question Number: 109

Departmental Question Number: SQ17-000078

Program: National Heavy Vehicle Regulator Safety Initiatives

Division/Agency: Surface Transport Policy

Topic: Funding Grant for the National Heavy Vehicle Regulator

Proof Hansard Page: 112 (27 February 2017)

Senator Sterle, Glenn asked:

Senator STERLE: Oh, goodness me! That is part of getting your licence—load restraining. Are you serious, Mr James? These people are using taxpayer dollars to put out a voluntary code of practice when you should know that load restraint is part of the licence requirements? I cannot believe it! Maybe I should take a big break before I blow a fuse. Keep going—I will see how I go. So what else are they talking about while the money is still sitting in someone's bank account?

Mr James: The bulk of the funding is being directed towards expansion of the camera network and, as I mentioned, \$350,000 is for codes of practice work—development—with various players in the industry. There is a component, too, for education on the new chain-of-responsibility provisions. There have already been a number of seminars delivered and there are other products being developed to educate people about their responsibilities.

Senator STERLE: Seminars. So who do you invite to the seminars? Where do you do them? Do not tell me—just take it on notice and come back to me.

Mr Mrdak: We will come back on notice on those—

Answer:

All transport operators and associations are eligible to attend the forums being held around Australia by the National Heavy Vehicle Regulator, with the cooperation of host industry groups. Details are available on the Regulator's website at:

www.nhvr.gov.au/safety-accreditation-compliance/chain-of-responsibility/changes-to-chain-of-responsibility.

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Infrastructure and Regional Development

Committee Question Number: 110

Departmental Question Number: SQ17-000079

Program: 1.1 Infrastructure Investment

Division/Agency: Surface Transport Policy

Topic: Heavy Vehicle Driver Fatigue Research Project

Proof Hansard Page: 112 (27 February 2017)

Senator Sterle, Glenn asked:

Senator STERLE: May I ask you about when you said 'look at fatigue laws'? What does that mean when we have fatigue laws around this nation where there are two states—being Queensland and WA; and I think the Northern Territory is not in the eastern states' regime—not in it. WA is just refusing—we have our own, thanks very much. So what is it looking at for \$800,000?

Mr James: I could give you the detail, I am sorry, on notice about that particular project. But I can do that.

Answer:

The focus of the research includes, but is not limited to, evaluating, the sleep quality and quantity of minimum rest breaks of heavy vehicle drivers. The study will take place over 18 months, measuring driver drowsiness and sleeping patterns, both on the road during real-world work shifts and in laboratory settings.

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Committee Question Number: 111

Departmental Question Number: SQ17-000080

Program: 1.1 Infrastructure Investment

Division/Agency: Surface Transport Policy

Topic: Heavy Vehicle Driver Fatigue Research Project

Proof Hansard Page: 112-113 (27 February 2017)

Senator Sterle, Glenn asked:

Senator STERLE: So am I to assume that the fatigue breaks are not long enough? Is that what this expert group is looking at?

Mr James: That is not the proposition. The proposition is: what is optimal and what does the evidence say? Therefore actual work is being done to look at trialling what happens.

....

Senator STERLE: When is that study due to be completed?

Mr James: I think by the end of next year, but I would have to confirm that.

Senator STERLE: By the end of 2018?

Mr James: I would need to check that, if that is okay.

Senator STERLE: You check that, please, because hopefully that is a misprint. The federal government's own reports—that is, the PricewaterhouseCoopers Review of the road safety remuneration system: final report, January 2016, and Jaguar Consulting's Review of the road safety remuneration system, 16 April 2014—confirmed the link between safety and rates. I want to talk to you about that. I will put this to you, Minister, and you can direct it where you want it go—to Mr James, Ms Zielke or Mr Mrdak. Do you take responsibility for lowering rates for truck drivers when you abolished the Road Safety Remuneration Tribunal?

Mr Mrdak: I do not think we can comment on the issue of rates and what has happened since the tribunal was wound up. We do not have the information to comment on that.

Answer:

The Heavy Vehicle Driver Fatigue Research Project is due to complete by March 2019.

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Additional Estimates 2016 - 2017

Infrastructure and Regional Development

Committee Question Number: 112

Departmental Question Number: SQ17-000081

Program: n/a

Division/Agency: Surface Transport Policy

Topic: Skandi Pacific fatality

Proof Hansard Page: Written (28 February 2017)

Senator Roberts, Malcolm asked:

In regards to the Skandi Pacific fatality

- a) Is the Department of Infrastructure and Regional Development [DIRD] 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 DIRD 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) does not apply to the Skandi Pacific, then does DIRD also agree that the consequence of this is that DIRD 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 DIRD had any contact from the Bahamas Maritime Authority about the fatality on the Skandi Pacific?
- e) Is DIRD aware whether the Bahamas Maritime Authority is conducting an inquiry into the fatality on the Skandi Pacific?
- f) Has DIRD 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 DIRD aware of any prosecutions by the Bahamas Maritime Authority for breaches of the Bahamas occupational health and safety law and/or regulations?
- h) Does DIRD agree that the OHS(MI) does not apply generally to Australian seafarers on all foreign flag vessels operating in the Australian Exclusive Economic Zone [EEZ]?
- i) If DIRD does agree that the OHS(MI) does not apply generally to Australian seafarers on foreign flag vessels in Australia's EEZ, then does DIRD 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 DIRD able to provide an estimate of the number of foreign flag vessels operating in the Australian EEZ?

Answer:

These questions will be answered by the Australian Maritime Safety Authority.