

Rural and Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Budget Estimates February 2010
Infrastructure, Transport, Regional Development and Local Government

Question No.: AMSA 01

Division/Agency: Australian Maritime Safety Authority

Topic: *Pacific Adventurer*

Hansard Page/s: 73 (09/02/10)

Senator Back asked:

Senator BACK—I want to go first to the aftermath of the *Pacific Adventurer* oil spill off the Queensland coast about this time last year. I refer to an announcement in August 2009 that the Australian government has initiated proceedings at the International Maritime Organisation to increase the limit for shipowners' liability for clean-up costs. What is the current status of those proceedings?

Mr Peachey—We have raised this with the IMO. We have raised concern that the extent of the limitation is, in fact, too limited. We have been successful in putting that on the IMO's work program to reassess the extent of that limitation.

Senator BACK—What was your proposed increase in the liability?

Mr Peachey—There is a formula under the convention. The convention sets the maximum amount to which it can be increased. That is part of the discussions that will happen through the IMO process.

Senator BACK—In drawing it to attention, have you made a submission about what you think that increase in the limit should be?

Mr Peachey—I do not recall the precise wording of the submission. Our main aim, through our close working relationship with the IMO, was to get it addressed and considered and to bring the other member states along with that debate.

Senator BACK—What was the catalyst for you doing that? Did you feel that the liability was set at too low a figure?

Mr Peachey—That was the catalyst, yes.

Senator BACK—What was that figure, or what is it currently if there has not been a change?

Mr Peachey—I will have to take that question on notice.

Answer:

The Convention on Limitation of Liability for Maritime Claims as amended by Protocol in 1996 sets out the current limitation as follows:

- 1 million SDR*, for the first 2000 tons;
- for each ton from 2,001 to 30,000 tons, 400 SDR;
- for each ton from 30,001 to 70,000 tons, 300 SDR;
- for each ton in excess of 70,000, 200 SDR.

* Special Drawing Rights (SDRs) are managed by the International Monetary Fund and are based on the current value of a group of international currencies.

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Question No.: AMSA 02

Division/Agency: Australian Maritime Safety Authority

Topic: *Pacific Adventurer* – liability limits

Hansard Page/s: 73 (09/02/10)

Senator Back asked:

Senator BACK—What consultation was undertaken and with whom was it undertaken in determining our proposal to the IMO?

Mr Peachey—Just as a general comment, we consult relatively widely on IMO matters. We canvass views of industry and our departmental colleagues about approaches. Obviously things that go to IMO represent a government view. It is incumbent on us to make sure that we reflect that properly at the IMO.

Senator BACK—Would that include onshore Australian shipowners and offshore shipowners?

Mr Peachey—I would be hazarding a guess as I was not directly involved in that. However, I am assuming that that was the case.

Senator BACK—Again, I would be most appreciative if you took on notice just who was consulted. Can you give us some indication from the IMO as to when this process will be finalised?

Answer:

Following the Government's decision to address the inadequacy of the current limits of liability, AMSA and the Department of Infrastructure consulted widely within Government and with other parties to the Convention on Limitation of Liability for Maritime Claims 1996 (LLMC) in relation to having a new work item added to the work program of the Legal Committee. A proposal to add a new work item to consider amendments to the LLMC to increase limits of liability under the Bunkers Convention was accepted by the 96th session of the Legal Committee of the International Maritime Organization (IMO) which met from 5 to 9 October 2009.

Given the multilateral nature of IMO negotiations it is not possible at this stage to determine when the process will be finalised and what the outcomes will be.

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Question No.: AMSA 03

Division/Agency: Australian Maritime Safety Authority

Topic: Tinny to Tanker

Hansard Page/s: 78 (09/02/10)

Senator Colbeck asked:

Senator COLBECK—I know that you cannot do this now but would you take this question on notice and give us a schedule of your proposed consultation once you have put that together?

Mr Peachey—Yes, Senator. We will have to take that question on notice, and we will be happy to do that.

Answer:

A schedule for the consultation period will be finalised and widely distributed allowing sufficient time for stakeholders to confirm attendance at sessions to be held across Australia.

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Question No.: AMSA 04

Division/Agency: Australian Maritime Safety Authority

Topic: Tenders for an Under Keel Clearance Management System in the Torres Strait

Hansard Page/s: 78 (09/02/10)

Senator Colbeck asked:

Senator COLBECK—How many tenders did you receive?

Mr Kinley—I would not like to stray into commercial-in-confidence issues, Senator.

Senator COLBECK—I do not necessarily need to know from whom. If you do not want to do it now and you want to give it to me on notice that is cool.

Mr Kinley—I will have to take that question on notice because I am not exactly sure.

Answer:

AMSA received four tenders in response to its Request for Tender for an Under Keel Clearance Management System in the Torres Strait.

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Question No.: AMSA 05

Division/Agency: Australian Maritime Safety Authority

Topic: Progress on the implementation of an Under Keel Clearance Management System for the Torres Strait.

Hansard Page/s: 78 (09/02/10)

Senator Colbeck asked:

Senator COLBECK—I do not want anything commercial in confidence. However, I am interested to know about particular milestones that we can continue to follow through this process.

Mr Kinley—I will have to take that question on notice and come back to you. Our intention is to get the system running towards the end of this year.

Answer:

The Under Keel Clearance Management for Torres Strait project timetable is as follows:

Project stages	Indicative timing
Project start-up	February 2010
System design and development	February – June 2010
Software acceptance testing and independent validation of UKCM outputs	July - August 2010
Commercial trials on a cross-section of vessels	September – November 2010
UKCM system commissioned	December 2010

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Question No.: AMSA 06

Division/Agency: Australian Maritime Safety Authority

Topic: Coastal Pilotage

Hansard Page/s: Written Question

Senator Macdonald asked:

How is the 12 month trial going for “Coastal Pilotage Services in the Torres Strait and Great Barrier Reef”?

When can a decision be made by AMSA regarding the single provider concept and a safety management system?

Answer:

The 12 month trial is dependent upon the new issue of Marine Orders Part 54 (MO 54), Coastal Pilotage coming into force. It is anticipated that this will occur once consultations with industry are concluded.

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Question No.: AMSA 07

Division/Agency: Australian Maritime Safety Authority

Topic: Search and Rescue and Asylum Seekers

Hansard Page/s: Written Question

Senator Barnett asked:

It is understood that the asylum seekers contacted the Australian Maritime Safety Authority by phone on October 16 at 11.45pm, saying they were in trouble off the Sumatran coast:

- a. Was there any indication that those making the calls were following proper AMSA protocol?
- b. Were the asylum seekers questioned on where they received the contact details for AMSA?
- c. Is this the first time those seeking asylum have contacted AMSA directly?

Answer:

- a. Yes.
- b. No.
- c. No.