

Senate Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2006

Transport and Regional Services

Question: AMSA 01

Division/Agency: Australian Maritime Safety Authority

Topic: *Alexandros T*

Hansard Page: 109 (22/05/06)

Senator O'Brien asked:

Senator O'BRIEN—On what dates has the ship visited Australia over the past two years?

Mrs Rimington—I do not have that with me, so perhaps we could take that on notice and get back to you.

Answer:

AMSA records show that *Alexandros T* visited Australia once over the past two years since May 2004, when it visited Port Hedland on 6 March 2005.

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Transport and Regional Services

Question: AMSA 02

Division/Agency: Australian Maritime Safety Authority

Topic: *Alexandros T*

Hansard Page: 109 (22/05/06)

Senator O'Brien asked:

Senator O'BRIEN—Okay. Has the *Alexandros T* been subject to any AMSA restrictions?

Mrs Rimington—The most recent AMSA inspection was the one in Port Hedland in March 2005.

Senator O'BRIEN—Did any of the other inspections reveal any defects?

Mrs Rimington—I cannot tell you because I do not have the details of the earlier visits, so perhaps we can pick that up in our response.

Answer:

No, *Alexandros T* has not been subject to any AMSA restrictions.

Yes, AMSA records show that *Alexandros T* was inspected by AMSA on 7 March 2005 at Port Hedland when 11 deficiencies were identified, but none warranted detention of the vessel.

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Transport and Regional Services

Question: AMSA 03

Division/Agency: Australian Maritime Safety Authority

Topic: *Jian Seng* - Costs Related to Identification and Management of Vessel

Hansard Page: 114 (22/05/06)

Senator O'Brien asked:

Senator O'BRIEN—Can we get a total cost and a breakdown, an itemised cost, of those things?

Mrs Rimington—I can tell you what it is roughly. Our estimate of the total by the time we have paid all the bills—and we have certainly had estimates for most of them—is that it is going to be in the order of \$850,000.

Senator O'BRIEN—Would it be possible to get a breakdown when you have got the final figures?

Mrs Rimington—Sure. We could do that.

Answer:

AMSA records show the following costs associated with each stage of the management and disposal of the vessel. (Some costs are still to be finalised so estimates have been included).

Engagement of Adsteam Marine to provide tug and sub-contract barge to manage vessel and tow it to Weipa and provide standby services at Weipa:	\$550,000
Engagement of Perrots Salvage to clean vessel at Weipa, undertake tow from Weipa to Coral Sea dumping site and scuttle the vessel:	\$294,000
AMSA direct costs in managing the incident:	\$ 7,000
Total Costs:	\$851,000

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Transport and Regional Services

Question: AMSA 04

Division/Agency: Australian Maritime Safety Authority

Topic: *Malu Sara*

Hansard Page: 115 (22/05/06)

Senator McLucas asked:

Senator McLUCAS—The ATSB report actually identifies, though, the time line and identifies that there was a delay of some two hours from when AMSA/RCC should have been advised and was not. I am wondering if AMSA has a view as to why that delay occurred.

Mrs Rimington—I am not aware of the delay. It is unfamiliar to us, so perhaps that is one that we could take away and come back and give you some specifics about.

Answer:

AMSA is not aware of “a delay of some two hours from when AMSA/RCC should have been advised and was not.” The ATSB Report (on page 73) points out that the situation that faced the DIMIA officers on Thursday Island and the Queensland Police on Thursday Island was that the boat was initially lost but it was not in distress.

The ATSB Report (on page 23) indicates that the Queensland Police on Thursday Island notified AMSA at 2011 hours on 14 October 2005 that the vessel’s Emergency Position Indicating Radio Beacon (EPIRB) had been activated, not to indicate a distress situation or to seek search and rescue assistance, but to assist in locating the vessel. At that time, *Malu Sara* was reported to have initially lost its way in fog at sea but was in contact with the DIMIA officers on Thursday Island and was assessed as being in the vicinity of Mabuig Island in the Torres Strait. AMSA provided the EPIRB position information to the Queensland Police from AMSA’s monitoring of the COSPAS SARSAT satellite system to assist the Queensland Police and the DIMIA officers in directing the vessel to sail to the safety of the nearest landfall.

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Question: AMSA05

Division/Agency: Australian Maritime Safety Authority

Topic: *Malu Sara*

Hansard Page: 115 (22/05/06)

Senator McLucas asked:

Senator McLUCAS—Could you go back and have a look, and give me some evidence that says that AMSA officials were convinced that there was compliance with the conditions that your test establishes: if you could take that on notice to provide me with some evidence that you could give out that letter of survey. The receipt of the declaration in and of itself, in my view, should not be enough to issue a letter of survey. There should have been, in my view, an assessment of that declaration. I am trying to find out what AMSA did to assess the veracity of that declaration. Maybe you would like to go back and take that on notice and I am happy for that to happen, but I do think that the Committee would need a bit more than, ‘We formed a view’.

Mrs Rimington—Certainly.

Answer:

AMSA made an assessment of the DIMIA declaration in the context of the overall regulatory regime generally applying to Commonwealth Departments and Agencies and AMSA’s knowledge of DIMIA’s actions during 2004 and 2005 in the conduct of the procurement process for the new boats, the time taken by DIMIA in seeking advice about the safety regulatory standards applying to the new boats and its past experience in the operation of this type of vessel in Torres Strait since 1999.

AMSA promulgated Marine Orders Part 62, *Commonwealth Ships*, in 2003 using the performance-based approach preferred by Commonwealth Regulatory Policy. The Marine Order clearly places the onus on Departments and agencies to ensure their vessels and operations meet the required safety standards.

The Marine Order is part of a broader regulatory regime applying to Commonwealth ship operators, including the duty of care in the *Occupational Health and Safety (Commonwealth Employment) Act 1999* on employers to provide a safe workplace and the Commonwealth Procurement Guidelines requiring purchased goods to comply with contracted standards.

The Marine Order does not require, and was never intended to require, AMSA to conduct survey or testing of vessels, for which a Department or agency applied for a ‘letter of survey’. In fact, the whole intention was to avoid the unnecessary duplication of survey and examination of smaller vessels less than seven metres on the basis that this already would be undertaken by Commonwealth Departments and Agencies to satisfy the Commonwealth Procurement Guidelines and occupational health and safety laws.

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The ATSB report (on page 68 and 83) concludes that there was confusion or a lack of understanding within DIMIA about the safety regulatory standards applying to the new boats. AMSA was not aware of this confusion or misunderstanding. AMSA knew DIMIA had operated this type of vessel in Torres Strait since 1999, apparently safely. The ATSB Report (on page 14) confirms DIMIA had the 1999 boats independently surveyed and tested when built.

The ATSB report (on page 15 and 69) confirms that DIMIA consulted widely in 2004 on the tender for building the new boats by seeking advice on relevant safety standards and safety equipment from AMSA, the Australian Quarantine and Inspection Service and the Australian Customs Service (both small boat operators in Torres Strait), the Royal Australian Navy, the Queensland Police Service and Maritime Safety Queensland. DIMIA also assigned a senior contract adviser and a procurement officer to assist with the procurement process.

The ATSB report (on page 66) records that in October 2004, DIMIA's Thursday Island Manager consulted AMSA about the regulatory requirements applicable to the proposed new boats to replace the boats that DIMA had operated in Torres Strait since 1999. AMSA advised him about the requirements of the Marine Order for AMSA to issue a 'letter of survey' and provided the form of the required declaration to confirm that the vessels had been built to the specified Australian standard, were seaworthy and would be subject to an operational risk assessment to ensure that they were appropriately crewed and equipped for the nature of each voyage.

The ATSB report (on page 17) advises that in August 2005 the DIMIA Manager provided AMSA with the required declaration on behalf of DIMIA stating inter alia that the vessels had been built to the required standard, were equipped and crewed taking into account the demands of each voyage, and a risk assessment was conducted before each voyage.

AMSA's contacts with DIMIA in 2004 and 2005 indicated that DIMIA's approach to the boats' building and operation was competent and professional. DIMIA staff had access to DIMIA's extensive legal resources to advise on relevant statutory obligations and/or could have sought further advice from AMSA if there was confusion or misunderstanding about the boat's safety standards or operation. There was some 10 months between AMSA's initial provision of advice about the required declaration for the issue of a 'letter of survey' and DIMIA providing the declaration and seeking the 'letter of survey', during which such legal and further advice from AMSA could have been obtained.

In summary, AMSA's assessment of the likelihood of compliance with the declaration and the attached Standard Operating Procedures was based on the circumstances leading up to the provision by DIMIA of that declaration, including background knowledge about DIMIA's experience with boat operations since 1999 and its competent and professional approach to the building of the new vessels shown during contacts with AMSA during 2004 and 2005. These circumstances meant that AMSA had no reason to believe that the new boats were not being operated in accordance with these Standard Operating Procedures, as would be required under occupational health and safety laws.

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Question: AMSA 06

Division/Agency: Australian Maritime Safety Authority

Topic: Expenditure on Legal Services

Hansard Page: Written Question

Senator Ludwig asked:

What sum did the Department or agency spend during 2005-2006 on external legal services (including private firms, the Australian Government Solicitor and any others)?

Answer:

AMSA records show \$112,400 was spent during 2005-2006 on external legal services.

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ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2006

Transport and Regional Services

Question: AMSA 07

Division/Agency: Australian Maritime Safety Authority

Topic: Expenditure on Legal Services

Hansard Page: Written Question

Senator Ludwig asked:

What sum did the Department or agency spend on internal legal services?

Answer:

AMSA estimates that gross salary expenditure on the provision of internal legal services will be \$233,000 in 2005-2006.

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Transport and Regional Services

Question: AMSA 08

Division/Agency: Australian Maritime Safety Authority

Topic: Expenditure on Legal Services

Hansard Page: Written Question

Senator Ludwig asked:

What is the Department or agency's projected expenditure on legal services for 2006-2007?

Answer:

AMSA does not budget separately for legal services as this expenditure is included as part of individual project management costs and is not itemised separately. AMSA expects legal services expenditure to be a similar amount as spent in 2005-2006.

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ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2006

Transport and Regional Services

Question: AMSA 09

Division/Agency: Australian Maritime Safety Authority

Topic: Executive Coaching and Leadership Courses

Hansard Page: Written Question

Senator Ludwig asked:

The following questions relate to the purchase of executive coaching and/or other leadership training services by the Department/agency, broken down for each of the last four financial years.

Where available, please provide:

1. Total spending on these services.
2. The number of employees offered these services and their salary level.
3. The number of employees who have utilised these services and their salary level.
4. The names of all service providers engaged.
5. For each service purchased from a provider listed in the answer to the previous question, please provide:
 - a. The name and nature of the service purchased.
 - b. Whether the service is one-on-one or group based.
 - c. The number of employees who received the service.
 - d. The total number of hours involved for all employees.
 - e. The total amount spent on the service.
 - f. A description of the fees charged (e.g. per hour, complete package).
 - g. Where a service was provided at any location other than the Department or Agency's own premises, please provide:
 - i. The location used
 - ii. The number of employees who took part on each occasion
 - iii. The total number of hours involved for all employees who took part.

Answer:

1. AMSA's records show no executive coaching or similar leadership training services were purchased over the last four financial years.
2. Not applicable.
3. Not applicable.
4. Not applicable.
5. Not applicable.

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Transport and Regional Services

Question: AMSA 10

Division/Agency: Australian Maritime Safety Authority

Topic: Sinking of *Malu Sara*

Hansard Page: Written Question

Senator McLucas asked:

AMSA's Rescue Co-ordination Centre was notified of the incident at 8.00pm on 14 October. Was the timing of that notification in accord with procedures?

Answer:

Yes. The Queensland Police on Thursday Island notified AMSA at 2011 hours on 14 October 2005 that the Emergency Position Indicating Radio Beacon (EPIRB) on board the *Malu Sara* had been activated, not to indicate a distress situation or to seek search and rescue assistance, but to assist in locating the vessel. The vessel or its occupants were not reported to be in distress at that time. The Queensland Police notification meant that AMSA did not need to respond to the EPIRB activation by the vessel. AMSA provided the Queensland Police with the requested position information for the vessel's EPIRB transmission from its monitoring of the COSPAS SARSAT satellite system.

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Transport and Regional Services

Question: AMSA 11

Division/Agency: Australian Maritime Safety Authority

Topic: Sinking of *Malu Sara*

Hansard Page: Written Question

Senator McLucas asked:

Co-ordination of the aerial search was passed to RCC at 12.18pm on 15 October. Why did it take so long for that to occur, and was that also in accord with procedures?

Answer:

The Queensland Police had been exercising overall coordination of the search for *Malu Sara* using surface vessels and a helicopter during the morning of 15 October 2005. The ATSB Report (on page 28 and page 29) records that the activated Emergency Position Indicating Radio Beacon (EPIRB) from *Malu Sara* was found floating in the sea by the helicopter around 1036 hours on 15 October 2005. Further searching found no sign of the vessel in the surrounding waters or on nearby landfall. The ATSB Report (on page 29) records that it became increasingly likely that the vessel had sunk and its occupants were in the water, with the situation becoming one of distress.

While the Queensland Police formally asked AMSA at 1218 hours on 15 October 2005 to coordinate the aerial search, as provided in the National Search and Rescue Manual, AMSA initially was alerted by a telephone call from the Queensland Police at 1044 hours on 15 October 2005 about the request to undertake the aerial search, which allowed AMSA to have the first search aircraft in the area at 1234 hours on 15 October 2005.

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Budget Estimates May 2006

Transport and Regional Services

Question: AMSA 12

Division/Agency: Australian Maritime Safety Authority

Topic: Sinking of *Malu Sara*

Hansard Page: Written Question

Senator McLucas asked:

It was not until 7.30pm on 15 October, about 24 hours after police were warned that *Malu Sara* was lost or overdue at Badu, that the Rescue Co-ordination Centre assumed overall coordination of the search. Why did it take so long for this to occur, and was that in accord with procedures?

Answer:

The Queensland Police had been exercising overall coordination of the search for *Malu Sara* during 15 October 2005 and asked AMSA to take over responsibility for the overall coordination at 1930 hours on 15 October 2005, as provided in the National Search and Rescue Manual, after the aerial and surface search during that day had not located the vessel or its occupants.

When the Queensland Police was initially advised at 1915 hours on 14 October 2005 that *Malu Sara* had lost its way at sea, the vessel or its occupants were not reported to be in distress. The ATSB Report (on page 26 and page 27) records that the Queensland Police arranged for surface vessels to go to the assistance of *Malu Sara* when advised around 0215 hours on 15 October 2005 that *Malu Sara* was taking on water. The ATSB report (on page 28) also records that the Queensland Police engaged a helicopter when the surface vessels could not locate *Malu Sara* in the area from which *Malu Sara's* activated Emergency Position Indicating Radio Beacon (EPIRB) was indicating its position. The helicopter found the EPIRB in the water around 1036 hours on 15 October 2005 and further searching did not locate the vessel or its occupants in the vicinity.

The Queensland Police formerly asked AMSA at 1218 hours on 15 October 2005 to coordinate an aerial search during the afternoon of that day and asked AMSA to take over overall coordination of the search at the end of the day's search on 15 October 2005.

All actions taken were in accordance with the National Search and Rescue Manual procedures.

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Transport and Regional Services

Question: AMSA 13

Division/Agency: Australian Maritime Safety Authority

Topic: Sinking of *Malu Sara*

Hansard Page: Written Question

Senator McLucas asked:

The ATSB report questions why a more urgent response was not made in the early stages of the crisis? Has the ATSB or AMSA been able to establish any reason why this did not occur?

Answer:

The information available to AMSA indicates that there was no “crisis” in the early stages of the incident as the vessel or its occupants were not reported to be in distress on 14 October 2005. The vessel was in contact with DIMIA officers and the Queensland Police, who were directing the vessel to sail to the safety of the nearest landfall. The vessel had activated its Emergency Position Indicating Radio Beacon (EPIRB) to provide position information and its occupants had been advised to wear life jackets. The vessel was reported to be within sight of land during the day and to have sighted lights on the shore after nightfall.

The Queensland Police arranged for surface vessels to go to *Malu Sara*'s assistance when it advised that it was taking on water around 0215 hours on 15 October 2005. As further information became available about the likelihood that the vessel had sunk and the situation had become one of distress, the search operations were escalated.

The ATSB Report (on page 84) concludes with respect to the search and rescue operation that the *Malu Sara* skipper's apparently calm demeanour and failure to indicate any distress during the afternoon and evening of 14 October 2005 probably led to less concern and consequently a less urgent response on the part of both the DIMIA and the Queensland Police officers, who were in contact with the vessel.

The ATSB Report (on page 73) confirms that the fact that faced both the DIMIA officers and the Queensland Police was that the boat had initially lost its way but it was not in distress so their prime aim was to bring the boat to a place of safety, which they very nearly succeeded in doing.

The ATSB Report (on page 74) also notes the Queensland Police assumed responsibility after dark when the percentage of cloud cover and its height severely limited the options in relation to using aircraft and particularly prevented helicopter operations, in response to the *Malu Sara* skipper's advice at 0215 hours on 15 October 2005 that the vessel was taking on water.

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Transport and Regional Services

Question: AMSA 14

Division/Agency: Australian Maritime Safety Authority

Topic: Sinking of *Malu Sara*

Hansard Page: Written Question

Senator McLucas asked:

The Report also states that at 1.45am on 15 October it would have been reasonable to initiate an active Search and Rescue operation. Has the ATSB or AMSA been able to establish any reason why this did not occur?

Answer:

The information available to AMSA indicates that the Queensland Police were trying to elicit further information about the *Malu Sara's* situation in view of communications with the vessel being intermittent and difficult to hear due to wind noise interference. The communications with the vessel prior to 0145 hours on 15 October 2005 are not reported as indicating the vessel or its occupants were in distress. When the vessel indicated that it was taking on water around 0215 hours on 15 October 2005, the Queensland Police examined the options available to assist the vessel and arranged for surface vessels in the region to go to its assistance. The weather conditions at the time precluded the use of aircraft, particularly helicopter operations.

The ATSB Report (on page 25) indicates that during the contact between the Queensland Police and the *Malu Sara* skipper at 0133/0137 hours on 15 October 2005, the *Malu Sara* skipper advised that the vessel was at anchor and believed that shore lights on Mabuiag Island were in sight. While the vessel was taking some water, the bilge pump was being operated and the water was being discharged. The ATSB Report (on page 39) indicates that this communication was affected by the noise of the wind, which made it difficult to hear what the skipper was saying and that without reliable two way communications the Queensland Police was not aware of the developing situation or whether the vessel could get underway at that time.

The ATSB Report (on page 76) records that the Queensland Police made 17 attempts to contact the vessel again between 0133 and 2000 but apparently without success. A conversation of nearly 26 seconds was recorded at 0145 hours on 15 October 2005.

The ATSB Report (on page 25) records that the *Malu Sara* skipper contacted the DIMIA duty officer at 0215 hours on 15 October 2005 when the first clear advice of a distress situation occurred. The report advises (on page 26) that, upon being advised by the DIMIA officer of this contact from the vessel, the Queensland Police then considered the options for a response and made arrangements for surface search vessels to get underway to the *Malu Sara's* position as indicated by its activated Emergency Position Indicating Radio Beacon (EPIRB).

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The ATSB Report (on page 74) notes the Queensland Police assumed responsibility after dark when the percentage of cloud cover and its height severely limited the options in relation to using aircraft, and particularly prevented helicopter operations, in response to the skipper's message at 0215 hours on 15 October 2005 that the vessel was taking on water.

The ATSB Report (on page 84) concludes that the decisions and actions of the Queensland Police in coordinating the search following the advice from *Malu Sara* in the early hours of 15 October were sound.

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Budget Estimates May 2006

Transport and Regional Services

Question: AMSA 15

Division/Agency: Australian Maritime Safety Authority

Topic: Sinking of *Malu Sara*

Hansard Page: Written Question

Senator McLucas asked:

Why wasn't a full-scale search begun until Sunday 16 October?

Answer:

AMSA participated in the full-scale search that commenced around 1230 hours on 15 October 2005. This was after the Queensland Police had established in the morning that *Malu Sara* was not in the position indicated by its activated Emergency Position Indicating Radio Beacon (EPIRB), which was found floating in the water, and further searching of the surrounding sea and nearby landfall did not locate the vessel or its occupants. The situation became one of distress with the vessel likely to have sunk and its occupants had entered the water.

The ATSB Report (on page 76) records that AMSA was formally asked by the Queensland Police to coordinate the aerial search at 1218 on 15 October 2005. AMSA conducted a major air search, involving a visual air search using seven aircraft during the afternoon of 15 October 2005, but without any positive sightings. AMSA also relocated its dedicated search and rescue aircraft from Darwin to conduct a radar search and to perform communications duties. AMSA sent a senior search and rescue officer to Torres Strait to liaise with the Queensland Police and local people with maritime expertise.

AMSA was asked by the Queensland Police to assume overall coordination of the search at 1930 hours on 15 October 2005. AMSA continued to coordinate a major surface and aerial search from 16 October 2005 to the end of the day on 18 October 2005, when coordination was handed back to the Queensland Police and a scaled down search continued until the Queensland Police suspended the search on 21 October 2005.

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Question: AMSA 16

Division/Agency: Australian Maritime Safety Authority

Topic: Sinking of *Malu Sara*

Hansard Page: Written Question

Senator McLucas asked:

Can AMSA or ATSB supply a map of the sea and air search areas, showing times and areas of search, based on the AUS 376 chart on page 26 of the Report?

Answer:

Yes. AMSA has provided a map of the search areas based on the chart on page 26 of the ATSB Report, as requested.

[CORP 16 attachments A, B and C]

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Question: AMSA 17

Division/Agency: Australian Maritime Safety Authority

Topic: Sinking of *Malu Sara*

Hansard Page: Written Question

Senator McLucas asked:

What weather forecasting services were available to the IRV operation?

Answer:

The Bureau of Meteorology provides weather services for mariners using telephone, radio (voice and facsimile), Inmarsat satellite broadcast (SafetNET), internet and facsimile communications. The Bureau's telephone weather services provide recorded forecasts, warnings and coastal weather observations for mariners. Similarly, Maritime Safety Queensland also maintains a telephone maritime weather service providing weather information from the Bureau of Meteorology.

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Question: AMSA 18

Division/Agency: Australian Maritime Safety Authority

Topic: Sinking of *Malu Sara*

Hansard Page: Written Question

Senator McLucas asked:

Why did AMSA issue a letter of dispensation to DIMIA lowering the qualifications standard of the skipper from Coxswain to Recreational Master? Did AMSA investigate whether it was appropriate to do so, and what other checks did AMSA make before giving the dispensation?

Answer:

In changing the qualification requirement to a Recreational Ship Master's licence, AMSA was aware that some State marine authorities already allowed vessels of less than seven metres operating in smooth or partially smooth waters to be operated by skippers with this qualification.

For instance, section 85 of the Queensland *Transport Operations (Marine Safety) Regulations 2004* excludes from the definition of a "commercial ship", vessels less than six metres that are operated under similar conditions to those which AMSA was advised applied to the DIMIA boats in Torres Strait. Consequently, AMSA understood that small vessels coming under these regulations are permitted to be operated by the holder of a Recreational Ship Masters license.

As indicated in the ATSB report (on page 72), the skippers of the DIMIA boats in Torres Strait had a life-long association with the sea and with boats. The report also confirms that the skippers of the previous boats operated by DIMIA since 1999 under Queensland regulation only had been required to hold a Recreational Ship Master's licence. AMSA continued to apply the same qualification standard as had been required by the Queensland regulations.

As indicated in the ATSB Report (on page 3), AMSA wrote in December 2005 to all Commonwealth Departments and agencies that operate Commonwealth ships advising of the strengthening of crew qualifications standards. AMSA continues to work with these operators to increase the requirement to a minimum of a Coxswain's certificate.