

Infrastructure, Transport, Regional Development, Communications and the Arts
Committee Inquiry Question on Notice
Joint Standing Committee on Treaties
Convention on the International Organization for Marine Aids to Navigation

IQ24-000062

Division/Agency: DIV - Surface Transport Emissions and Policy

Hansard Reference: Spoken, Page No. 3 (09 September 2024)

Topic: Responsibility for ensuring dredged channels match channel markers and maps

David Fawcett asked:

Senator FAWCETT: Sure. I have two follow-up questions then in terms of obligations on member states and particularly sub-levels of government. Here in Australia, we sign up nationally to these standards, regardless of the nature of the body that's setting them, and then state and territory governments are often responsible for local waters and the buoyage. But if the buoyage indicates the presence of a channel, and the information that's been provided to cartographers to make hydrographic charts indicate depths of channels, is there any obligation on state governments to then maintain dredging activities such that those channels actually meet the advertised depth? Clearly large commercial channels tend to get self-dredged if ships go through and drag a bit out, but there are many that affect fishing fleets and recreational fleets where, if a local council or a state government feels they don't have sufficient funds one year, dredging doesn't occur. Then you start getting incidents which cost money for the people who damage their boats, but it also potentially affects the environment if you have oil leakage or other things from boats that run aground. Are there any flow-down obligations for local authorities and state authorities to actually implement dredging operations so that the buoyage and cartography matches reality?

Ms Dean: There are two separate things there. As you've identified, one is about the channel markers, the buoyage system, the other is about the cartography, the seabed shape, which is mapped by the hydrographers. In terms of AMSA's role with the aids to navigation, there is no power for AMSA to require that states or territories do any of the things that you have identified. Our responsibility is in terms of making sure that passages are safe from a navigational perspective in terms of the aids to navigation that are provided to shipping. The hydrographic survey we will change over time and it's up to the controllers of the waterways to decide what's in their best interests in terms of keeping those shipping channels open.

Senator FAWCETT: If somebody coming into a harbour uses either the leading marks or leading lights to align themselves in what a chart says, and what the physical markers on the ground say is the safe channel, and it's not, then who's actually responsible for that? Is it the vessel captain? If there's not a notice to mariners to indicate that the channel is not as deep as a chart says—I'm just concerned, looking at it from a national security perspective, that if a ship blocks a channel going into Adelaide, for example, where there is one location to take off liquid fuels, industry estimates are that it would take a number of weeks to unload a container vessel that is stuck. We have about 10 days worth of aviation fuel in Adelaide, so there are national security and economic implications to those things not being aligned.

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Ms Stagg: I understand the risks that you're raising. Obviously, states have jurisdiction over their waters. We might need to take on notice exactly how that coordination works and the sorts of actions that states and territories take to ensure alignment between the cartography and what's actually happening on the seabed.

Senator FAWCETT: What I'm getting at is this committee will make a report where we support signing up to the treaty but, during these committee processes, we often uncover issues that are related. We can make recommendations to government that they should seek to work, either through national cabinet or by regulation, with states and territories to make sure that we have alignment, so the intended outcome—safe maritime navigation, which underpins not only safety of life at sea but our economic and national security interests—are met by this.

Ms Stagg: Absolutely. We'll come back to you on notice with some information about how that current system operates, in terms of ensuring the alignment between the maps and the environment.

Senator FAWCETT: If there were any regulatory or legislative change that would be required to make sure that those pieces line up, that this committee could recommend, having that back in time for our reporting would be useful.

Ms Stagg: We'll make sure to do that.

Answer:

It is the responsibility of the port or channel authority to ensure the bathymetry and aids to navigation that mark channel extremities are aligned.

The advice provided to the department is that the Australian Hydrographic Office (AHO) does not typically conduct surveys within port limits and port authorities are generally responsible for surveys within their area of control. However, the AHO does receive and incorporate survey data from various sources to keep port charts up to date:

- the AHO receives new hydrographic survey data, including information on dredged and other charted depths.
- they update charts with information on port infrastructure and new port developments.
- changes to navigational marks and lights are actioned when changes to the channel occur.

While the AHO may not conduct the surveys themselves, they play a crucial role in compiling, validating, and disseminating the updated information to maintain accurate and up-to-date charts for ports and other areas.

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Division/Agency: DIV - Surface Transport Emissions and Policy

Hansard Reference: Spoken, Page No. 3-4 (09 September 2024)

Topic: Mandatory AIS markings for hazards to navigation

David Fawcett asked:

Senator FAWCETT: AIS is clearly a useful thing, in terms of ship position, but it's also used on a lot of shipping markers et cetera. The one variable that causes a lot of angst among the maritime community is craypots and fishing net buoys. Increasingly, commercial fishermen opt to use AIS markers on those, essentially, obstructions that can foul propellers. We recently saw HMAS Toowoomba fouled in a fishing net in the South China Sea. What actions, if anything, is the Australian government looking to take through this treaty arrangement to put in place international standards, which we can then flow down to our subordinate authorities, to require AIS marking of significant obstructions, like kilometre-long nets and large fields of craypots et cetera?

Ms Stagg: Perhaps Ms Dean can talk you through this. There are seven areas of standards that IALA currently has. They then have a series of guidelines and other practices that sit beneath that. If there is an issue identified like that, particularly as a council member, Australia could advocate to put those sorts of things on the work program. Because they're voluntary standards, I would say that doesn't preclude us from taking action where there are risks within our waters, but, where we can get international alignment and consistency internationally, it increases the prospect of—because most vessels visiting our waters our international, we want that international consistency so that it means the same thing in every place that you go to. But if it's not currently covered by the standards, and my understanding is it's not, then that's the sort of thing where, as a council member, Australia could take a role in advocating for those sorts of things to be considered.

Senator FAWCETT: Can you come back with more information on that?

Ms Stagg: Yes, we can.

Senator FAWCETT: You've said it's a voluntary standard. If I equate this with ICAO, in terms of the civil aviation markings, that is an obligation which a country has to file a difference or an exemption to if we're not going to meet it. If this becomes an IGO, will they then become mandatory for signatories and a requirement to lodge exceptions or will it still remain a voluntary system?

Ms Stagg: No; it remains voluntary at this stage. For it to become mandatory, we would need to make further amendments to this new convention, and we would expect more extensive consultation around that if we were going to make something mandatory rather than voluntary. One of the advantages of moving to an IGO rather than non-governmental is that, at the moment, there are a number of countries who are constrained in their ability to become members of this organisation and adopt the standards because, as an NGO, the

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rules and the laws of those countries prevent them from becoming members of an NGO. As IALA becomes an IGO, more countries will be able to become members. They will be able to get access to those standards and to voluntarily adopt them. Certainly, in Australia's case, while they're voluntary, AMSA adopted them across its AtoN network, and my understanding is the states and territories have as well. I think it's in our interests to have as many members and as much international consistency as we can. But that would be subject to a separate treaty action if we were to move to mandatory standards.

Answer:

The Automatic Identification System (AIS) is a data exchange system operating in the VHF maritime mobile band and its primary purpose is for avoiding collisions between vessels, and as a Vessel Traffic Services tool.

AIS standards allow for the use of AIS as an aid to navigation for life saving equipment and distress beacons, however currently there are no International Maritime Organization (IMO), IALA or International Telecommunications Union (ITU) standards for the use of AIS on fishing equipment.

As an active member of IALA, Australia through the Australian Maritime Safety Authority, works with its international partners to consider how international standards can be improved to reduce hazards to navigation. This may include, at some point in the future, the appropriateness of AIS to deal with hazards to navigation such as fishing nets and pots.

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Division/Agency: DIV - Surface Transport Emissions and Policy

Hansard Reference: Spoken, Page No. 4-5 (09 September 2024)

Topic: Ports which require pilotage

Matt Burnell asked:

Ms MASCARENHAS: I understand that the goal of the treaty is to allow for safe and efficient navigation of vessels. I think Shipping Australia said that they had over 6,000 vessels that made 30,000 port calls and this week we also had the WA ports minister here in Canberra. From a ground-level perspective, what do you think this treaty would mean from maybe a state or a port perspective? Or do you see it as being a quite seamless transition with not much change for someone at the port level?

Ms Stagg: We would not expect to see significant change, given we are already applying these standards. This is really about Australia being able to help influence other countries also complying—because, as you said, there are over 6,000 vessels visiting our waters and 30,000 trips. It's better if they experience the same sets of markers or indicators. It means that we expect the operations to be safer in our water because the pilots and the vessel captains are experiencing the same information in each country that they visit. But, because we already comply, we wouldn't expect to see any change except perhaps as there's greater international consistency people become better at it when they get to our waters.

Ms Scott: That's correct. Any change we would expect would be future focused. So if new standards come in we would be looking to both influence how they're developed and then help all Australian ports to apply those as required.

Mr BURNELL: I'd like to ask a question about what you just said. We're talking about pilotage and making sure that the experiences are similar. Is it still the practice that all international voyages come into Australian ports under a pilot or has that changed?

Ms Dean: Not all ports require pilotage.

Mr BURNELL: Which ports don't require pilotage in Australian waters?

Ms Stagg: I'd have to take that on notice. Where it's very straightforward you might not require a pilot, but somewhere like the Great Barrier Reef, absolutely pilots are required given the really sensitive and complex marine environment.

I possibly misspoke—obviously pilots are another safety feature; they are not part of IALA. What I was trying to refer to is the ship's crew. If in every country they visit the aids mean something different, it means there's a lot of information they have to retain and understand so they know 'When I'm here, I need to follow the following rules.' Getting greater international consistency means the crews on vessels coming to Australian waters will find it familiar so there's less chance of mistakes and things can move more efficiently. That was my mistake in terms of the reference to pilots, I apologise.

Mr BURNELL: Okay, thank you.

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Answer:

Pilotage is a safety measure under which a skilled local pilot is taken onboard a vessel to assist masters safely navigate the ship. Pilots refer to aids to navigation to maintain their positional awareness while navigating a vessel.

Australian ports are regulated by the states and territories, pilotage requirements are set by the port, and these vary over time. The Australian Government does not have access to comprehensive data on pilotage requirements for all Australian ports.

High risk ships traversing the Torres Strait and Great Barrier Reef are required to embark a licensed coastal pilot for the duration of those voyages. For Australia's strategic ports, all vessels entering or leaving will likely need to engage the service of a licenced local pilot, except for the smallest vessels or vessels exempted by the port. Small ports and harbours may allow local or exempt vessels to enter or leave without a local pilot.