

Appendix 6

Previous parliamentary inquiries— recommendations, Government responses and actions by players

<i>Recommendation</i>	<i>Government decision</i>	<i>Present position</i>
<i>Ships of Shame—inquiry into ship safety (1992)</i>		
Terms of reference		
The first Ships of Shame report into ship safety was tabled by the House of Representatives Standing Committee on Transport, Communications and Infrastructure in 1992. The committee's terms of reference were the following.		
To inquire into and report on the issue of ship safety at the national and international level, with particular reference to:		
<ul style="list-style-type: none"> (a) The factors associated with recent vessel losses and incidents, particularly involving bulk carriers and tankers proceeding to and from Australian ports. (b) The general standard of foreign vessels trading to Australia with particular reference to bulk carriers and tankers. (c) The adequacy of the parameters established by international law and conventions for action by a port state in the inspection of foreign vessels. 		
The Government response was tabled in August 1993.		
<p>1 (a) Australia's representation at the International Maritime Organization be strengthened by the inclusion of industry and trade delegates with relevant experience.</p> <p>(b) The Australian Maritime Safety Authority meet the cost of the increased industry and trade union representation.</p> <p>(c) The Australian Maritime Safety Authority consult with industry on the merit of appointing a permanent delegate to the International Maritime Organization.</p>	<p>Accepted</p> <p>Not accepted</p> <p>Accepted</p>	<p>Implemented.</p> <p>Implemented. Industry response confirmed that the appointment of a permanent delegate would not be effective or efficient.</p>
<p>2 The Secretary General of the IMO be authorised to initiate action in relation to matters of significance which arise between Council meetings at the request of a member State.</p>	<p>Government to pursue as appropriate</p>	<p>Informal consultations held with Secretary-General. Not appropriate to formalise in Convention, but in practice S-G initiates action between meetings according to wishes of member States.</p>

<i>Recommendation</i>	<i>Government decision</i>	<i>Present position</i>
3 The Australian Government participate in and actively support at the International Maritime Organization:		
(a) that the Maritime Safety Committee urgently complete its inquiry into flag state compliance.	Accepted	Flag State Implementation (FSI) Sub-committee is working on implementation issues.
(b) that appropriate operating criteria for classification societies be devised and that only certificates from classification societies, including when a classification society acts as an agent for a flag state, which comply with those criteria be recognised as valid internationally.	Accepted	Implemented. (IMO Resolution A.789(19): <i>Specifications on the survey and certification functions of recognised organizations acting on behalf of the Administrations.</i>)
(c) that IMO approve a "seal of approval" to those classification societies meeting its set criteria.	Accepted	Governments urged to apply A.789(19) and review standards of survey organisations.
(d) That an IMO representative participate in the International Association of Classification Societies Quality System Certification Scheme audit team.	Accepted	IMO representative participates in audits (currently the former UK Surveyor-General).
4 (a) The Australian Maritime Safety Authority have access to sufficient funds to increase the rate and effectiveness of Port State Control inspections to the level where it ceases to be viable for substandard shipping to call at Australian ports.	Funding adequate	Number of inspections have increased considerably since 1992 with modest increase in resources.

<i>Recommendation</i>	<i>Government decision</i>	<i>Present position</i>
(b) The Australian Maritime Safety Authority not be required to pay a dividend to Government and that these funds be used to improve the effectiveness of the port state control function.	Not accepted	
c) The Australian Maritime Safety Authority impose a penalty surcharge on substandard shipping to fund the increased level of operations generated by these vessels.	Not accepted	
5 (a) The Australian Maritime Safety Authority publish each month the results of its port state control inspections at each port.	Accepted	Implemented.
(b) This publication should include, the name of the ship on which defects are found, the nature of defects, the beneficial owner, the manager of the ship, classification society, flag state, the dates of the latest port state control and special survey inspections, type of charter, type of cargo, charterers and the relevant AMSA surveyor's name.	Accepted	Implemented except for <i>beneficial owner</i> (not practicable) and <i>relevant AMSA surveyor's name</i> (not appropriate).
(c) The Australian Maritime Safety Authority ensure that information is made available promptly to parties as specified in existing Marine Orders.	Accepted	Implemented.

<i>Recommendation</i>	<i>Government decision</i>	<i>Present position</i>
<p>6 (a) It be mandatory for dry bulk carriers entering Australian ports to carry a Survey History File consisting of all documents relating to a ship's structure which contains a history of port state control inspections, structural inspections and repairs or alterations.</p> <p>(b) The Survey History File should be available to both port state control and classification society surveyors.</p> <p>(c) Full information on the commercial chain from the beneficial owner to the cargo owner should be available to AMSA so that responsibility for pollution damage can be readily determined</p>	<p>Accepted</p> <p>Accepted</p> <p>Accepted in principle</p>	<p>Implemented, except for <i>history of port state control inspections</i>, which is not required internationally and is beyond AMSA's jurisdiction to require unilaterally.</p> <p>Implemented. File is normally used by port state control inspectors.</p> <p>Arrangements in place to access available data bases.</p>
<p>7 (a) The International Maritime Organization establish an international accreditation system for crew training and subsequent issuing of qualification certificates.</p> <p>(b) AMSA obtain samples of crew qualification certificates from each flag state to assist in determining the authenticity of documents sighted by AMSA surveyors.</p>	<p>Not accepted</p> <p>Accepted</p>	<p>Being implemented on on-going basis.</p>
<p>8 The Australian Maritime Safety Authority, in conjunction with the Australian Maritime College, establish training courses and assessment criteria which will improve the consistency of inspection outcomes by ship surveyors.</p>	<p>Accepted</p>	<p>In-house courses supplemented by <i>Graduate Certificate in Marine Surveying</i> at AMC.</p>

<i>Recommendation</i>	<i>Government decision</i>	<i>Present position</i>
9 All international shipping organizations adopt IMO Resolution A647(16) as the base standard of operation for all members.	Accepted in principle	Implemented (superseded by ISM Code).
10 (a) The Federal Government examine means by which the level of Australian assistance to Asian and Pacific neighbours relating to crew training can be extended. (b) The Australian Maritime College explore opportunities to raise its profile as a maritime training institution to attract increased numbers of international students to the College and associated port based Technical and Further Education Colleges.	To be considered if it is identified as an aid priority by a recipient government and Australia Supportive	The Commonwealth, through AusAID, has funded maritime training projects through its APEC Support Program and the Government Sector Linkages Program. These projects have been delivered by Australia—Maritime Training Inc. Australia—Maritime Training Inc was formed in 1995 with support from the Commonwealth Department of Transport and Regional Development. It has been effective in obtaining funds to deliver training to the region.
11 The Federal Government deny entry to ships which do not meet ILO 147 standards in relation to crew employment conditions from trading in Australian waters.	Not accepted	
12 (a) The Australian Maritime Safety Authority establish a comprehensive ship information data base.	Accepted	Implemented.
(b) The data base be made available to any party with a valid interest in ship safety.	Accepted	Implemented.

<i>Recommendation</i>	<i>Government decision</i>	<i>Present position</i>
(c) The IMO establish a comprehensive international ship information data base which is available to any party with a valid interest in ship safety.	Accepted	On IMO agenda, but delayed by funding considerations.
13 The Australian Government require proof of possession of adequate Protection and Indemnity insurance cover as a prior condition of entry of any foreign vessel into Australian ports.	Not accepted, but an international regime to be explored	International regime being developed on Australian initiative. Domestic legislation drafted but not yet introduced (Category C status).
14 (a) The Minister for Shipping and Aviation Support initiate an independent review of the structure and operating procedures of the Marine Incident Investigation Unit with a view to improving the breadth and consistency of its investigations and reports.	Departmental review already underway	An internal departmental review of the Unit was completed in 1992–93. A review by the Australian National Audit Office is scheduled in 1998–99.
(b) The conclusions of the Marine Incident Investigation Unit investigations into marine incidents be more widely publicised throughout the shipping industry, including through industry and employee association publications similar to the practice followed by the Bureau of Air Safety Investigation.	Accepted	Over 800 copies of each report are distributed free, and reports are published on the internet site of the Department of Workplace Relations and Small Business.

Review Inquiry into ship standards and safety—Progress Report (1994)

Terms of Reference for the following Inquiry

In the next parliament the House of Representatives Standing Committee on Transport, Communications and Infrastructure conducted further investigations into these issues. Its terms of reference were the following.

The report, *Ships of Shame—Inquiry into Ship Safety*, of December 1992 effectively highlighted the complex issues associated with improving shipping standards and safety. Its recommendations build upon the range of initiatives undertaken by the Federal Government to address the problem of substandard ships and provides a framework for future action.

The Committee is requested to continue working with the Federal Government in pursuing a safer and more responsible international shipping industry by inquiring on an ongoing basis into developments at the national and international level in relation to the issues identified in the *Ships of Shame* report.

The Government intends this to be an ongoing reference for the term of the current Parliament and the Committee may report to the Parliament from time to time.

The Government response was tabled in November 1995.

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| 1 | (a) That the Australian Government propose at the International Maritime Organization that the International Maritime Organization be given the power to sanction member states that do not meet their international maritime convention responsibilities. | Not accepted |
| | (b) That this ability to sanction include the ability to suspend, expect or reinstate member states of a convention. | Not accepted |
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<i>Recommendation</i>	<i>Government decision</i>	<i>Present position</i>
2 That the Commonwealth Government take action to ratify <i>International Labor Organization Convention 147, Merchant Shipping (Minimum Standards) 1976</i> as soon as possible.	Agreed in principle	Australia has not been able to demonstrate full compliance with the provisions of the convention. Further, not all State and Territory jurisdictions have agreed to ratification taking place on the basis of implementation by Commonwealth law and practice alone.
3 That the Australian Maritime Safety Authority produce a set of region based performance indicators for inclusion in its annual port state control report.	Agreed in principle	The Asia Pacific MOU reached its target inspection rate of 50 per cent in 1996.

<i>Recommendation</i>	<i>Government decision</i>	<i>Present position</i>
<i>Ships of Shame—A Sequel: Inquiry into ship safety (1995)</i>		
In 1996, under the same terms of reference, the committee tabled the report <i>Ships of Shame—A Sequel</i> . While noting the progress that had been made, it concluded that substantial safety problems remained and articulated several further recommendations.		
The Government response was tabled in December 1996.		
1 The International Maritime Organization (IMO) promote the mandatory use of IMO Maritime English in training schemes for both officers and ratings.	Agreed in principle	Mandatory under STCW95 for officers and for ratings on bridge steering duties.
2 (a) AMSA review and strengthen the provisions of Marine Order Part 11 to bring them more closely into conformity with the requirements of ILO Convention 147.	Agreed in principle	Consultations currently being undertaken with industry on revisions to Marine Order Part 11.
(b) The Australian Government ratify ILO 147 as soon as possible.	Working towards this	Australia has not been able to demonstrate full compliance with the provisions of the convention.
3 (a) AMSA ensures Masters and Agents of ships visiting Australian Ports are made aware of their obligations to report incidents of illness and injury.	Agreed	Implemented: Marine Notice No. 2 of 1997.
(b) AMSA and the DoT develop effective means to ensure Owners, Masters and Agents provide adequate medical care and rehabilitation for ill or injured crew members.	Agreed	The <i>Navigation Act 1912</i> and the <i>Seafarers Rehabilitation and Compensation Act 1992</i> cover these issues.

<i>Recommendation</i>	<i>Government decision</i>	<i>Present position</i>
4 The Minister for Transport initiate an inquiry into the relationships, interfaces and interactions between Commonwealth and State Occupational Health and Safety legislation, the Navigation Act and its delegated legislation.	Agreed	Government has announced a comprehensive review of the <i>Navigation Act 1912</i> during which these aspects will be examined.
5 The Australian Maritime Safety Authority establish an effective crew competency test in accordance with the requirements of the revised Standards of Training, Certification and Watchkeeping Convention for use in port state control inspections.	Agreed	Implemented.
6 The Australian Commonwealth Department of Transport develop a detailed inspection system for all ships applying for Single Voyage (SVP) or Continuous Voyage (CVP) Permits, with such vessels to be inspected and approved prior to loading cargo.	Agreed in part	AMSA endeavours to inspect tankers and bulk carriers that have applied for permits.
7 The Australian Maritime Safety Authority regularly publish details of ships, companies and their Flag States discovered during Port State Control inspection programs to have defective Safety Management Systems whilst holding Safety Management Certificates and Documents of Compliance.	Agreed	Implemented. Detentions for ISM Code deficiencies will be included in port state control report for July 1998.

<i>Recommendation</i>	<i>Government decision</i>	<i>Present position</i>
8 The International Association of Classification Societies publish quarterly, details of ships (Name, International Maritime Organization number, Flag, former Class Society, new Class Society where available) which either transfer class out of International Association of Classification Societies member societies or withdraw from class with an unidentified future.	Agreed in principle	IACS is publishing such information.
9 The International Maritime Organization include, as part of the criteria for ship registration, a responsibility clause requiring ships to have appropriate cover for:		
(a) any damage which may result from their operations.	Agreed in principle	The IMO is considering a proposed draft code of practice for protection and indemnity insurance. This code would be non-binding and non-mandatory.
(b) seafarers' occupational disability and rehabilitation or death resulting from their operations.	Agreed in principle	
10 (a) IMO develop a convention on ship administration which defines the standards to be achieved by Flag States for the registration of ships.	Agreed in principle	Australia is working to this end through FSI in close cooperation with UK and Canada
(b) The convention contain mechanisms for Flag States to demonstrate compliance and for IMO to audit and regularly publish lists of compliant Flag States.	Agreed in principle	ditto

	<i>Recommendation</i>	<i>Government decision</i>	<i>Present position</i>
	(c) (i) The International Maritime Organization develop mechanisms for Coastal States to be the lead agencies in accident and incident investigations	Agreed	Australia initiated IMO Resolution A849(20) Code for the Investigation of Marine Casualties and Incidents, encompassing these principles. These were agreed by the IMO Assembly in November 1997.
	(ii) The International Maritime Organization publish the reports of such investigations.	Agreed	
11	The IMO establish the International Ship Information Database as originally proposed.	Agreed in principle	On IMO agenda, but delayed by funding considerations.

Sources Subs 1.01, 19.03, *Submissions* pp. 258–264, 265–9)