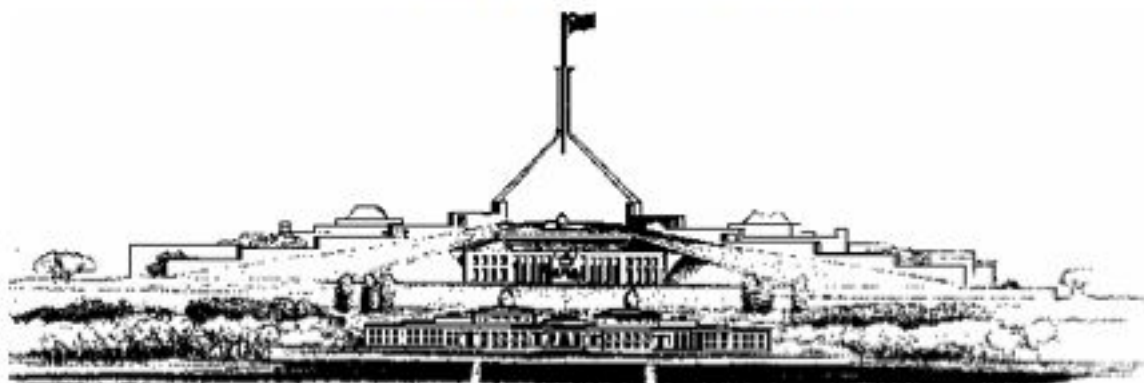




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

BILLS

Navigation Amendment Bill 2011

Second Reading

PROCEDURAL TEXT

Wednesday, 25 May 2011

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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Mr ALBANESE (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (9:0 1): I move:

That this bill be now read a second time.

Shipping carries 99 per cent of Australia's trade by volume and Australia's shipping task makes up 10 per cent of the entire world's seaborne trade.

If cargo is to be transported efficiently by ships, it is essential to ensure that accidents which lead to pollution, injury or death are minimised. This cannot be achieved only by ensuring that ships are seaworthy. It is also necessary to ensure that ships entering and leaving Australian ports are manned by well-qualified crews who have decent working conditions.

We cannot reasonably expect seafarers who are subject to Third World living and working conditions to provide First World shipping services. Recognising the importance of seafarers to the world economy, the International Labour Organisation (ILO), in 2006, adopted the Maritime Labour Convention (MLC).

The MLC is considered to be the fourth pillar of the international shipping regime complementing major conventions of the IMO on environmental protection, ship safety and ship security.

The MLC is intended to provide decent working conditions for seafarers by setting minimum requirements for seafarers to work on a ship. Matters addressed by the MLC include conditions of employment, accommodation, recreational facilities, food and catering, health protection, medical care, welfare and social security protection.

I am pleased to be able to say that implementation of the MLC in Australia is strongly supported by the maritime industry, unions and employer associations. Indeed, the tripartite Australian delegation, which participated in meetings leading up to the adoption of the MLC and in the conference which adopted it, included representatives of the Maritime Union of Australia and the Australian Shipowners Association as well as Australian government officials. The

composition of the Australian delegation reflected the unique arrangements for ILO meetings which bring together representatives of governments, employers and workers to jointly shape policies and programs.

The MLC will apply in Australia to ships of 200 gross tons and over, whether engaged on domestic or international voyages. However, the MLC requirement for ships to carry documentation as evidence of compliance applies only to ships of 500 gross tons and over engaged in voyages to or from ports outside their country of registration.

The Navigation Amendment Bill which is being introduced today provides for the implementation of the MLC in Australia. It amends the Navigation Act 1912 to ensure that there is consistency between that act and the MLC.

The most significant amendments contained in the bill are the amendments to Part IV of the Navigation Act to establish the inspection and certification requirements to ensure that ships actually comply with the MLC.

In accordance with the MLC, Australian ships of 500 gross tons and over trading to or from overseas ports will be required to be issued with two documents—a declaration of maritime labour compliance and a maritime labour certificate.

The declaration of maritime labour compliance will list the requirements that must be met by a particular ship to meet the standards set out in the MLC and will list the proposed measures that will be taken by the shipowner for initial and ongoing compliance with the MLC.

The maritime labour certificate will be issued after a ship has been inspected and has been found to meet the requirements of the MLC. A maritime labour certificate will be subject to periodic validation based on intermediate, renewal or additional inspections as required. Such a certificate will be valid for a maximum period of five years before it must be renewed.

Surveyors from the Australian Maritime Safety Authority will inspect foreign ships at Australian ports during routine port state control inspections to ensure that those ships comply with the requirements of the MLC. The carriage on board of a declaration of

maritime labour compliance and a maritime labour certificate will usually be accepted as prima facie evidence of compliance with the MLC and will mean that a full inspection is not required. Australian ships will be subject to similar inspections at foreign ports in countries that are parties to the MLC.

While it is only ships of 500 gross tons and over trading internationally that will be required to carry certificates, it is expected that the owners of many other ships will apply for the issue of certificates for their ships. This will be an easy way for such ships to demonstrate their compliance with the MLC and will avoid the potentially costly delays that may occur if a ship is detained for a full inspection to ensure its compliance with the MLC. This bill provides for the issue of a declaration of maritime labour compliance and a maritime labour certificate to any ship which seeks them and which, after inspection, is found to comply with the MLC.

As well as amendments relating to the MLC, this bill also makes two minor amendments to the Navigation Act to facilitate the reporting of the positions of ships. The bill will amend the definition of 'vessel traffic service' in subsection 411(3) and will widen the regulation-making power to allow for the making of regulations relating to vessel traffic services.

These two amendments will help provide full legal backing for the extension, from 1 July 2011, of the current vessel traffic services to the southern part of the Great Barrier Reef. The amendments are part of the government response to the grounding of the *Shen Neng 1* in the Great Barrier Reef in April 2010 and are intended to help ensure the protection of this wonderful part of the Australian environment. I commend this bill to the House.

Debate adjourned.