

**Rural & Regional Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2012

**Infrastructure and Transport**

**Question no.: 75**

**Program: n/a**

**Division/Agency: (AMSA) Australian Maritime Safety Authority**

**Topic: Investigations into AeroRescue**

**Proof Hansard Page/s: Written**

**Senator Xenophon asked:**

1. Are there currently any CASA or ATSB investigations being held into the actions of any AeroRescue pilots, crew or operators?
2. How many investigations, if any, have been held in the last five years?
3. What are the processes when an operator, pilot or crew member is under investigation?
  - (a) Are they suspended from AeroRescue until the investigation is complete?
4. How many complaints have been made to CASA or ATSB under REPCON that AMSA is aware of?
  - (a) Is AMSA informed of all reports under REPCON, or only those that go to further investigation?

**Answer:**

1. As at 9 March 2012, the ATSB is conducting one active short investigation. There are no current CASA formal investigations pertaining to AeroRescue.
2. CASA has conducted one formal investigation of AeroRescue.
3. Depending on the nature of the investigation, CASA or the ATSB have powers to direct the operator to take certain actions in the interest of aviation safety.
  - (a) It is AeroRescue policy that any crew member involved in an incident or an accident causing damage to an aircraft or property, or causing injury to persons, shall be automatically relieved from duty pending investigation.
4. REPCON is a confidential reporting scheme of the ATSB and ATSB would need to advise of any REPCONs that have been formally lodged. AMSA has been provided an anonymous copy of a possible REPCON but has no evidence that it was formally lodged.

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**Question no.:** 76

**Program:** N/A

**Division/Agency:** (AMSA) Australian Maritime Safety Authority

**Topic:** Maritime Certificates

**Proof Hansard Page/s:** Written

**Senator Williams asked:**

1. Will it be mandatory under the proposed Navigation Act 2012 for all interstate cargo ships to obtain &/or maintain SOLAS (Safety of Life at Sea Convention) Certificates? Or will it be possible for cargo vessels to trade interstate without SOLAS Certificates?
2. Will the Marine Safety National Law require interstate cargo ships to hold SOLAS Certificates? And will interstate cargo ships under the Marine Safety National Law be required to comply with all IMO Conventions applying to international trading ships?
3. Noting that one of the biggest single coastal cargo trades is an intrastate trade (bauxite from Weipa to Gladstone) will the Marine Safety National Law require intrastate cargo ships to hold SOLAS Certificates? And will intrastate cargo ships under the Marine Safety National Law be required to comply with all IMO Conventions applying to international trading ships?
4. Will the provisions of the ILO Maritime Labour Convention apply to interstate cargo ships under the proposed Navigation Act?
5. Will the provisions of the ILO Maritime Labour Convention apply to intrastate cargo ships under the proposed Marine Safety National Law?
6. In 1986 Australia's Marine Orders stipulated the duration of training, for a Cadet to achieve the Engineer Watchkeeper Certificate, as 4 years for the then Degree course: at that time what was the international minimum-standard set by the STCW Convention?
7. When Marine Orders Part 3 was first issued, about 1990, it stipulated the duration of training for a Cadet to achieve the Engineer Watchkeeper Certificate, as 36 months for the Advanced Diploma: at that time what was the international minimum-standard set by the STCW Convention?
8. Is it a fact that in June 2010 the international standard, stipulated by the STCW Convention, for *minimum* duration of training for a Cadet to achieve the Engineer Watchkeeper Certificate was reduced from 36 months to 12 months?
9. And is it a fact that AMSA's Draft Marine Orders 3 (Issue 7) proposes to delete the current Australian stipulation for duration of training for a Cadet to achieve the Engineer Watchkeeper Certificate of 36 months and in its place merely 'call-up' this 12 month minimum in the STCW Convention?
10. Who authorised that these Australian standards be reduced to the international minimum in the STCW Convention?
11. Does AMSA or the Minister accept these downgraded standards could lead to more maritime incidents or even accidents?
12. Was it the case that an Engineer CADETSHIP is required to be three-years under the current Australian regulation but AMSA's Draft Marine Order 3 proposes to reduce this to 12 months?

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13. AMSA's reply of 14 Feb 2012 implied that AMSA had conducted some formal review of what constitutes an 'AMSA-approved' Engineer Cadetship and whether the current Australian standards of 3 years education and training remains appropriate. Who conducted that review and was there detailed examination of the necessary components of that Cadetship, whether it was fulfilling current operational and maintenance requirements and the educational and safety consequences if the duration of training were to be reduced to 12 months?
14. If AMSA has NOT conducted the above assessment of the Engineer Cadetship, how did AMSA come to the conclusion that in its new Draft MO3 (issue 7) it should delete the current requirement for 3 years training and replace it with the 12 months in the recently-reduced international standard? And who made that decision?
15. Did you on behalf of AMSA enter into an agreement with AIMPE on engineering matters, which you recorded in these Minutes of an AMSA/AIMPE meeting of 22 October 2009?
16. Did Mr Kinley meet with AIMPE in early June 2010 and admit that the concerns AIMPE had taken up with AMSA about AMSA's 23 Dec 2009 Draft MO3 were correct and on behalf of AMSA you indicated that Draft was now withdrawn and it would be better for all if it were regarded as if the Draft had never even been sent?
17. Whilst Australia asserts national sovereignty over all fish and mineral resources in our 200 nautical mile Economic Exclusion Zone is it true that currently Australia's Navigation Act fails to require ships exploiting those resources to come under the Australian flag? As a consequence is it true that the large fleet of vessels engaged in Australia's offshore oil and gas industry can escape the application of the totality of the Navigation Act, the Migration Act, and the Taxation Act?

**Answer:**

1. It will be possible for cargo vessels to trade interstate without SOLAS certificates. This is no different from the current situation. The International Convention for the Safety of Life at Sea (SOLAS) only requires certification for vessels trading internationally.
2. No. See answer to question 1.
3. No and see answer to question 1. However, as the majority of the ships in this trade are currently foreign flagged, they will come under the jurisdiction of the proposed Bill and be required to comply with international standards. Similarly, any Australian ship of this size that wishes to maintain SOLAS certification for voyages overseas, for dry docking as an example, will be required to opt into the new Act and maintain those standards.
4. Trading ships of 200 gross tonnage (GT) and over and which trade out to the limits of Australia's exclusive economic zone will be required to meet the requirements of the Maritime Labour Convention when the Convention comes into force internationally, as will Australian ships that are certificated for international trade.
5. See answer to question 4.
- 6-9. The International Convention of Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention) entered into force on 28 April 1984. In accordance with regulation III/4 of the Convention, as in force in 1986, the requirements for certification of Engineer Officer in charge of a watch were- *'..have not less than a total*

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*of 3 years approved education or training relevant to the duties of a marine engineer and adequate period of sea service which may have been included within the 3 years.'*

Marine Order Part 5 issued on 14 December 1984 required 4 years of training as an engineer cadet or workshop training and sea service.

This was replaced by Marine Order 3 (Mo3) Issue 3, issued on 25 August 1988, which required 36 months qualifying sea service and an approved practical training. In addition, it required completion of an appropriate course of study.

MO 3, Issue 4 issued on 1 July 1994 maintained the above requirements.

Over time the STCW convention has moved from time based measurement of training to competency based, in line with contemporary education practice around the world.

The STCW Convention was amended in 2010 to remove the 36 months minimum time based requirement for the engineer watchkeeper certificate. The attainment of the certificate is competency based, as are all other engineering and deck officer certificates in the Convention.

10. Any changes to Marine Orders are authorised by the CEO. No decision has been made that Australian standards be reduced to the international minimum in the STCW Convention.
11. No. There is no downgrade of standards. See answer to question 6.
12. No. See answer to question 6.
13. The duration of training is not being reduced to 12 months. See answer to question 6.
14. See answer to question 6.
15. Yes, agreement on certain points was reached, however, the AIMPE had always made it clear that they would only agree to any changes on the basis that a separate Marine Order would be provided for marine engineering qualifications. This was never agreed.
16. The discussion draft was withdrawn.
17. The *Navigation Act 1912* does not require foreign flagged vessels to become Australian flagged vessels while operating in Australia's EEZ. Foreign flagged vessels that operate in Australian waters are subject to parts of the *Navigation Act 1912* and are regulated through Port State control measures under various international conventions such as the *Safety of Life at Sea* and *Prevention of Pollution from Ships* Conventions.