

Rural & Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Budget Estimates February 2014
Infrastructure and Regional Development

Question no.: 147

Program: n/a

Division/Agency: (AMSA) Australian Maritime Safety Authority

Topic: Operation Sovereign Borders Briefing

Proof Hansard Pages: 93-94 (24/02/2014)

Senator Conroy asked:

Senator CONROY: Has Operation Sovereign Borders provided you with a brief? Have they said, 'Here are the contact details. Here is what to do. Here is what we need from you'? Have you had any paperwork from them at all?

Mr Young: I would be surprised if there was nothing. Nothing came to front of mind.

Senator CONROY: I would be surprised if there was nothing. I am happy for you to take it on notice.

Mr Young: If I could, yes.

Answer:

Yes. The Australian Maritime Safety Authority was provided with an operational brief.

Rural & Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Budget Estimates February 2014
Infrastructure and Regional Development

Question no.: 148

Program: n/a

Division/Agency: (AMSA) Australian Maritime Safety Authority

Topic: Operation Sovereign Borders – On-water Incidents

Proof Hansard Page: 103 (24/02/2014)

Senator Conroy asked:

Mr Young: Yes. I need to amplify evidence I gave to the committee earlier. Senator Conroy asked a question about AMSA's involvement in search and rescue incidents since Operation Sovereign Borders commenced. What came to the front of my mind was incidents in which there were deaths or nearly so. I have now found the correct brief. There were other incidents, and I would like to advise you about them on notice.

Senator CONROY: No. Let us just clear this up. ...Could you amplify by explaining the dates and the information on the others?

Mr Young: There were 21 incidents in which we have had some level of involvement.

Senator CONROY: Since when?

Mr Young: Since 18 September 2013.

Senator CONROY: Twenty-one incidents in which someone has contacted you?

Mr Young: There has been some level of AMSA involvement. I do not have the details in front of me. There were 21 incidents in which we have allocated an incident number and been engaged in some form.

Senator CONROY: Since 19 December? I am just trying to break down a time scale here.

Mr Young: My briefing says '2'.

Senator CONROY: Two since the 19th, which would include the one in January we had a conversation on earlier or that is on top of the one in January?

Mr Young: I think that is on top of that one. I would like to take that on notice to confirm.

Senator CONROY: If you can take on notice that we would like the incident reports for those ones as well.

Mr Young: I will take that on notice.

Answer:

Between 18 September and 19 December 2013, the Australian Maritime Safety Authority (AMSA) engaged in 18 search and rescue incidents which also related to the purposes of Operation Sovereign Borders (OSB). In each case a brief description of the search and rescue incident has been provided in layman's terms for convenience based on the original incident synopsis, shown in Attachment A. Public release of the information is consistent with the tabling of information to the Senate by the Commander Joint Agency Task Force (CJATF). (*See the tabulated historical illegal entry vessel arrival data enclosed in CJATF tabled letter to the Senate Standing Committee on Legal and Constitutional Affairs of 14 April 2014. That letter can be found under the "Historical OSB data" heading of the OSB website at www.customs.gov.au/site/operation-sovereign-borders.asp*).

There have been two occasions since 19 December 2013 in which AMSA has engaged in search and rescue incidents which also related to the purposes of OSB. Public release of information relating to these two incidents would not be consistent with CJATF operational security requirements. Questions relating to additional information concerning OSB matters are to be referred to the Joint Agency Task Force Operation Sovereign Borders.

Rural & Regional Affairs and Transport Legislation Committee
 ANSWERS TO QUESTIONS ON NOTICE
 Additional Budget Estimates February 2014
Infrastructure and Regional Development

Incident number	Date (based on UTC Day)	Incident Report
2013/6282	18 Sep 2013	AMSA received advice from Border Protection Command (BPC) that a maritime venture departing Indonesia might have unspecified damage. AMSA was able to confirm by ascertaining the location of the on-board satellite phone that the vessel was on a beach in Java. BASARNAS accepted coordination.
6336	21 Sep 2013	WA Police advised they had received satellite phone calls from a vessel approximately 120 nautical miles north-east of Christmas Island. AMSA subsequently received a direct call stating that there was a sick baby on board. AMSA issued a broadcast to shipping and requested military assistance. A RAN vessel was tasked and located the vessel approximately 30 nautical miles north-east of Christmas Island. A boarding party advised that no assistance was required. The search and rescue (SAR) action was cancelled and the RAN vessel was released. <i>(This incident is vessel 1 in the tabulated historical illegal entry vessel arrival data, enclosed in CJATF tabled letter to the Senate Standing Committee on Legal and Constitutional Affairs of 14 Apr 14. That letter can be found under the "Historical OSB data" heading of the OSB website at www.customs.gov.au/site/operation-sovereign-borders.asp)</i>
6394	24 Sep 2013	BPC advised of a vessel possibly in distress and experiencing mechanical difficulty approximately 20 nautical miles south of Java. AMSA issued a broadcast to shipping. A RAAF P-3 Orion aircraft and an Australian warship were tasked to proceed to the position. The Orion located the vessel high in the water with engines and bilge pump running, moving at 3 knots and showing no obvious signs of distress. AMSA cancelled the SAR action. On 26 September, the vessel reported that it required assistance. A RAN vessel was tasked by BPC to investigate, and located the vessel 30 nautical miles from Christmas Island. The RAN vessel confirmed that the vessel had been disabled (fuel lines cut) then embarked the people. <i>(This incident is vessel 4 in the tabulated historical illegal entry vessel arrival data, enclosed in CJATF tabled letter to the Senate Standing Committee on Legal and Constitutional Affairs of 14 Apr 14. That letter can be found under the "Historical OSB data" heading of the OSB website at www.customs.gov.au/site/operation-sovereign-borders.asp)</i>
6421	25 Sep 2013	AMSA received a call from an informant in Indonesia who advised that his friend was on a boat with 55 persons aboard, in need of assistance. Subsequently, AMSA received a number of calls and text messages from an INMARSAT phone aboard the vessel, reported to be 180 nautical miles north-north-west of Christmas Island. The vessel reported steering difficulties, holes and engine difficulties. AMSA issued a broadcast to shipping and requested Defence assistance. A merchant ship to

Rural & Regional Affairs and Transport Legislation Committee
 ANSWERS TO QUESTIONS ON NOTICE
 Additional Budget Estimates February 2014
Infrastructure and Regional Development

Incident number	Date (based on UTC Day)	Incident Report
		assist, and an Orion aircraft and a RAN vessel were tasked to respond. When the merchant ship arrived it reported that the vessel was stable in the water. The RAN vessel boarded the vessel, assessed it to be unseaworthy and embarked the people. The crew and passengers were subsequently transferred to Indonesian authorities at sea.
6443	26 Sep 2013	AMSA received a phone call from a person on board a vessel, claiming that the vessel was disabled. The vessel requested assistance and was reported to be approximately 500 metres off the reef at Ashmore Island. AMSA was able to obtain a GPS position for the satellite phone on board and established that the vessel's actual position was approximately five nautical miles off the Island of Roti, Indonesia. AMSA issued a broadcast to shipping and diverted a merchant ship to the position before transferring coordination to BASARNAS as the incident was occurring within Indonesian territorial waters. After arriving in the area the merchant ship was not able to locate a vessel in distress, and AMSA released it from tasking. The vessel continued to call AMSA, advising that it was making way but was taking on water. AMSA then tasked an Australian Customs Vessel (ACV) to the location. The ACV arrived on scene after dark and observed people on board bailing water by hand. Two tenders were launched to assist and, whilst en route, the vessel capsized. The ACV rescued all the people and confirmed that no people were missing.
6452 Agrabinta	27 Sep 2013	AMSA was advised that a vessel had broken down and was without food or water on a voyage from Indonesia to Christmas Island. AMSA managed to make contact with the vessel and was advised it was broken down and sinking approximately 25 nautical miles south of Java, Indonesia. AMSA issued a broadcast to shipping and requested military assistance. A Customs Dash-8 and an Orion aircraft were tasked to respond; three merchant ships diverted to assist. Subsequent positions of the vessel appeared to be close inshore within Indonesian territorial waters. Later reports were received indicating that the vessel had run aground on the south coast of Java.
6506	29 Sep 2013	The WA Police call centre received a call from a male on board a vessel stating that the engine had stopped and that the vessel was taking on water. The vessel was reported to be approximately 32 nautical miles north of Christmas Island. AMSA issued a distress broadcast to shipping and requested military assistance. A RAN vessel which was in the vicinity deployed a boarding party to the vessel and established that the vessel was not taking on water and was not in distress. AMSA cancelled the SAR action and released the RAN vessel from SAR tasking. <i>(This incident is vessel 5 in the tabulated historical illegal entry vessel arrival data, enclosed in CJATF tabled letter to the Senate Standing Committee on Legal and Constitutional Affairs of 14 Apr 14. That letter can be found under the "Historical OSB data" heading of the OSB website at</i>

Rural & Regional Affairs and Transport Legislation Committee
 ANSWERS TO QUESTIONS ON NOTICE
 Additional Budget Estimates February 2014
Infrastructure and Regional Development

Incident number	Date (based on UTC Day)	Incident Report
		www.customs.gov.au/site/operation-sovereign-borders.asp
6701	9 Oct 2013	AMSA was advised by an informant in Indonesia of a vessel that had reportedly broken down 130 nautical miles north of Christmas Island. AMSA issued a broadcast to shipping and requested military assistance. Two RAN vessels were tasked to respond, and a merchant ship also diverted. The people were embarked by a RAN vessel owing to safety concerns. <i>(This incident is vessel 6 in the tabulated historical illegal entry vessel arrival data, enclosed in CJATF tabled letter to the Senate Standing Committee on Legal and Constitutional Affairs of 14 Apr 14. That letter can be found under the "Historical OSB data" heading of the OSB website at www.customs.gov.au/site/operation-sovereign-borders.asp)</i>
6840	15 Oct 2013	Numerous emergency '000' calls were received from a vessel approximately 80 nautical miles north of Christmas Island. The vessel was reported to be experiencing bad weather, with damage and engine difficulties. AMSA issued a broadcast to shipping and requested military assistance. Two merchant ships diverted, and a RAN vessel was tasked to respond. A Dash 8 was also tasked to respond from Christmas Island. The Dash 8 subsequently located the vessel 64 nautical miles north of Christmas Island making way at eight knots. The RAN vessel boarded the vessel and owing to safety concerns the people were embarked. <i>(This incident is vessel 8 in the tabulated historical illegal entry vessel arrival data, enclosed in CJATF tabled letter to the Senate Standing Committee on Legal and Constitutional Affairs of 14 Apr 14. That letter can be found under the "Historical OSB data" heading of the OSB website at www.customs.gov.au/site/operation-sovereign-borders.asp)</i>
6952	19 Oct 2013	AMSA was advised of a vessel that had been sighted by a surveillance aircraft disabled and adrift approximately 50 nautical miles north of Christmas Island. Two RAN vessels were tasked to respond. An Orion aircraft and a merchant ship were also tasked to respond. One of the RAN vessels arrived on scene and, having deployed a boarding party to the vessel, advised that the vessel was overloaded, taking on water, and had unserviceable engines. All the people were then embarked by the RAN vessels. <i>(This incident is vessel 9 in the tabulated historical illegal entry vessel arrival data, enclosed in CJATF tabled letter to the Senate Standing Committee on Legal and Constitutional Affairs of 14 Apr 14. That letter can be found under the "Historical OSB data" heading of the OSB website at www.customs.gov.au/site/operation-sovereign-borders.asp)</i>
7022	23 Oct 2013	Headquarters Northern Command advised AMSA of concern for the safety of a vessel that had been reported 98 nautical miles north of Christmas Island. A Dash 8 aircraft located the vessel and expressed concern due to its erratic behaviour. AMSA accepted coordination of the incident and tasked a RAN vessel to respond. When the RAN vessel arrived on scene,

Rural & Regional Affairs and Transport Legislation Committee
 ANSWERS TO QUESTIONS ON NOTICE
 Additional Budget Estimates February 2014
Infrastructure and Regional Development

Incident number	Date (based on UTC Day)	Incident Report
		the vessel was assessed as being seaworthy. The boarding party reported that the occupants wanted to continue undisturbed to their destination. The SAR action was cancelled. The vessel then steered North towards Indonesia under its own Command with BASARNAS informed.
7376	7 Nov 2013	AMSA received a call from an informant in Indonesia reporting that four of his friends were on a boat bound for Christmas Island from Jakarta that had stopped working. AMSA issued a broadcast to shipping and requested military assistance. A RAN vessel and an ACV were tasked to respond. A satellite phone position was obtained showing that the vessel was 150 nautical miles northeast of Christmas Island. A subsequent satellite phone position showed the vessel was making way at 5 knots in a south-easterly direction. The RAN vessel located and boarded the vessel, effecting repairs. The SAR action was cancelled. The vessel subsequently became disabled and was boarded by a RAN vessel. The vessel was determined to be unseaworthy and the people were embarked by an ACV. <i>(This incident is vessel 11 in the tabulated historical illegal entry vessel arrival data, enclosed in CJATF tabled letter to the Senate Standing Committee on Legal and Constitutional Affairs of 14 Apr 14. That letter can be found under the "Historical OSB data" heading of the OSB website at www.customs.gov.au/site/operation-sovereign-borders.asp)</i>
7438	10 Nov 2013	AMSA received several calls from WA Police in relation to a vessel approaching Christmas Island that reported broken down with an engine on fire. The callers stated they were 30 and 60 kilometres from Christmas Island but no further details were provided. A Customs Dash-8 aircraft was tasked inflight to investigate and located a vessel making way 46 nautical miles northeast of Christmas Island. There were no signs of distress. The aircraft searched an area of 1908 square nautical miles but there were neither signs of another vessel nor signs of distress. A RAN vessel arrived and confirmed that the vessel had made the calls. The RAN vessel reported the vessel's engines had been sabotaged. After embarking the people, the RAN vessel advised that the master of the vessel was reported to have jumped overboard, while clutching a barrel. A search for the missing man was commenced using an Orion and a RAN vessel. AMSA was later advised that the embarked people had been questioned and the claims that the master had jumped overboard were not true. The master was one of the embarked Indonesian crew members. <i>(This incident is vessel 13 in the tabulated historical illegal entry vessel arrival data, enclosed in CJATF tabled letter to the Senate Standing Committee on Legal and Constitutional Affairs of 14 Apr 14. That letter can be found under the "Historical OSB data" heading of the OSB website at www.customs.gov.au/site/operation-sovereign-borders.asp)</i>

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Budget Estimates February 2014

Infrastructure and Regional Development

Incident number	Date (based on UTC Day)	Incident Report
7516	13 Nov 2013	The Australian Embassy received notification from Indonesian Police that a vessel was in distress in the vicinity of a small village, south of Java. AMSA passed the information to BASARNAS, who confirmed that they were coordinating a response. AMSA was later advised that all persons had been accounted for.
7566	15 Nov 2013	An unidentified caller using an Indonesian mobile phone contacted AMSA requesting assistance however the line was very broken and only the words "completely damaged" were understandable. Telstra advised that the telephone number used the Christmas Island telephone network. BPC also advised that they were responding to a contact of interest in the vicinity of Christmas Island. The boarding party of a RAN vessel on AMSA's request found a passenger on board admitting to the telephone call. All the people were embarked. <i>(This incident is vessel 14 in the tabulated historical illegal entry vessel arrival data, enclosed in CJATF tabled letter to the Senate Standing Committee on Legal and Constitutional Affairs of 14 Apr 14. That letter can be found under the "Historical OSB data" heading of the OSB website at www.customs.gov.au/site/operation-sovereign-borders.asp)</i>
7932	10 Dec 2013	AMSA received a satellite telephone call from a person aboard a vessel reporting they were requiring assistance. The caller gave a GPS position placing the vessel 73 nautical miles north-north-west of Christmas Island. A RAN vessel and an Orion aircraft were tasked to respond and a broadcast was issued to shipping in the area. The RAN vessel boarded the vessel upon which the SAR action was cancelled and coordination was transferred to BPC. <i>(This incident is vessel 21 in the tabulated historical illegal entry vessel arrival data, enclosed in CJATF tabled letter to the Senate Standing Committee on Legal and Constitutional Affairs of 14 Apr 14. That letter can be found under the "Historical OSB data" heading of the OSB website at www.customs.gov.au/site/operation-sovereign-borders.asp)</i>
8030	4 Dec 2013	AMSA was advised by BPC that a vessel probably north of Christmas Island was experiencing unspecified problems. AMSA requested a phone trace from the INMARSAT National Operations Centre in London. They provided a position for the vessel and this correlated to a vessel that BPC had under surveillance. The SAR action was cancelled and coordination was transferred to BPC. <i>(This incident is vessel 17 in the tabulated historical illegal entry vessel arrival data, enclosed in CJATF tabled letter to the Senate Standing Committee on Legal and Constitutional Affairs of 14 Apr 14. That letter can be found under the "Historical OSB data" heading of the OSB website at www.customs.gov.au/site/operation-sovereign-borders.asp)</i>
8049	5 Dec 2013	AMSA assumed coordination of an incident after reports that a vessel had sunk in the vicinity of Greta Beach at Christmas

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Budget Estimates February 2014

Infrastructure and Regional Development

Incident number	Date (based on UTC Day)	Incident Report
Greta Beach		<p>Island. The people on board made it on to the island but became separated. A Customs Dash-8 aircraft, an ACV, multiple military and police assets were initially tasked to respond until confirmation was received from passengers interviewed that everyone had been counted. AMSA retained coordination of the incident as a number of people were sighted on the beach and cliffs and their recovery was hindered by difficult terrain. A search party reached the four people and assisted them to hospital for medical assessments. The Dash-8 conducted a five square nautical mile search and reported several sightings of abandoned lifejackets and vessel debris but no sightings of any persons were made. <i>(This incident is vessel 18 in the tabulated historical illegal entry vessel arrival data, enclosed in CJATF tabled letter to the Senate Standing Committee on Legal and Constitutional Affairs of 14 Apr 14. That letter can be found under the "Historical OSB data" heading of the OSB website at www.customs.gov.au/site/operation-sovereign-borders.asp)</i></p>

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Budget Estimates February 2014

Infrastructure and Regional Development

Question no.: 149

Program: n/a

Division/Agency: (AMSA) Australian Maritime Safety Authority

Topic: STCW Endorsements

Proof Hansard Page: Written

Senator WILLIAMS asked:

1. Is it not the case that AMSA has now done exactly what I asked of Mr Kinley on 29 May 2013, by resuming the issue of STCW Endorsements on State-issued Class 3 certificates on the basis that they do the same courses on pollution prevention and awareness of security procedures, as already provided for holders of AMSA-issued Certificates?
2. If ultimately it was found to be possible to do that which I asked AMSA on 29 May 2013 to do, why then did AMSA on 29 May 2013 tell me this was not possible?
3. If it is correct that ultimately it was found to be possible to do that which I asked AMSA on 29 May 2013 to do, then surely AMSA's unilateral decision in December 2012, without consultation with industry, to cease issuing such STCW Endorsements, was a mistake?

Answer:

1. AMSA recommenced issuing Endorsements of Engineer Class 3 certificates in January 2014 after verifying this could be done under the amended international Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) Convention. The system that has been put in place will stay in effect until 31 December 2016. The decision to recommence issuing endorsements was based on legal advice and, after extensive consultation with the Australian Institute of Marine Power Engineers (AIMPE) included the addition of security training. The main area of concern was the varied level of engineering competence, rather than pollution prevention or security awareness. Not all State-issued Engineer Class 3 certificates will be eligible for endorsement.
2. The evidence provided by the Australian Maritime Safety Authority at the recent estimates hearings, reflects the change to the STCW Convention and that AMSA was pursuing a nationally consistent approach to delivery of fully compliant training. This continues to be the goal of AMSA.
3. AMSA does not agree it was an error. With the change of international rules, AMSA was required to determine the impact of that change and how and if the Authority could continue to issue those endorsements in some form.

Rural & Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Budget Estimates February 2014
Infrastructure and Regional Development

Question no.: 150

Program: n/a

Division/Agency: (AMSA) Australian Maritime Safety Authority

Topic: Marine Orders 70, 71, 72 and 73 Definitions

Proof Hansard Page: Written

Senator WILLIAMS asked:

Why did AMSA consider it necessary that Section 4 DEFINITIONS of Marine Order 70 (Seafarer Certification) define the following three terms?

1. ECDIS.
2. Length, particularly given that s.20 of the *Navigation Act 2012* defines length overall.
3. Marine cook duties or functions.

Answer:

1. ECDIS (Electronic Chart Display and Information System) is defined because it is an acronym that is used in Marine Order 70 and in *Marine Order 71 (Masters and deck officers) 2014*.
2. In maritime terms there are several different lengths used. For example, length overall, waterline length, length between perpendiculars and load line length. Length was defined in Marine Order 70 to provide clarity and when a physical length was used in the Marine Order 70 series, it was the same overall length as defined in s20 of the *Navigation Act 2012*.
3. The definition of Marine cook duties and functions is based upon Regulation 3.2.3 of the *Maritime Labour Convention, 2006*. It is required to establish in Marine Order 70 the eligibility criteria for a certificate of proficiency as marine cook (section 23) and to ensure that a certificate of proficiency as marine cook may be taken to be a qualification to perform those duties or functions (section 24). Definitions of other seafarers' duties and functions are set out in the other marine orders.

Rural & Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Budget Estimates February 2014
Infrastructure and Regional Development

Question no.: 151

Program: n/a

Division/Agency: (AMSA) Australian Maritime Safety Authority

Topic: Marine Orders 70, 71, 72 and 73 Definitions (Note 4)

Proof Hansard Page: Written

Senator WILLIAMS asked:

Is it correct that in addition to the defined terms in Section 4 DEFINITIONS of Marine Order 70 (Seafarer Certification) it also at NOTE 4 provides that: "... other terms used in this Order have the same meaning that they have in the Navigation Act 2012 ..."?

Answer:

Yes. It is correct.

Rural & Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Budget Estimates February 2014
Infrastructure and Regional Development

Question no.: 152

Program: n/a

Division/Agency: (AMSA) Australian Maritime Safety Authority

Topic: Marine Orders 70, 71, 72 and 73 Tonnage

Proof Hansard Page: Written

Senator WILLIAMS asked:

1. Is it correct that a definition of tonnage is necessary when determining whether an applicant for a Deck Officer Certificate meets the requirements of Marine Order 71 (Masters & Deck Officers)?
2. Is it correct that that the Navigation Act 2012 contains an entire Chapter, from s.150 to s.160 on the meanings of the term tonnage?

Answer:

1. It is correct.
2. No.

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Budget Estimates February 2014

Infrastructure and Regional Development

Question no.: 153

Program: n/a

Division/Agency: (AMSA) Australian Maritime Safety Authority

Topic: Marine Orders 70, 71, 72 and 73 - Propulsion Power

Proof Hansard Page: Written

Senator WILLIAMS asked:

1. Is it correct that a definition of the term propulsion power is necessary when determining whether an applicant for an Engineer Certificate meets the requirements of Marine Order 72 (Engineer Officers)?
2. Is it correct that the Navigation Act 2012 contains no definition of the term propulsion power?
3. If the answer to (2) above is no, can AMSA point out precisely where within the Navigation Act is a provision that provides a definition of the term propulsion power, and in particular defining whether the kW-power ratings of a ship's propulsion engines are to be counted singly or in-aggregate when determining whether an applicant for an Engineer Certificate meets the requirements of this Act and its Regulations?
4. If AMSA contends that the STCW definition of propulsion power is applicable to Marine Order 72 (Engineer Officers), can AMSA please point out precisely where within any Marine Order or the Navigation Act 2012 where there is a legally enforceable regulatory statement to that effect?

Answer:

1. Marine Order 72 contains eligibility criteria that include propulsion power and therefore, an understanding of what applicants for an Engineer Certificate require.
2. Yes.
3. Not Applicable.
4. Section 2 of Marine Order 70 states that one of the two purposes of the entire Marine Order is to give effect to the Standards of Training, Certification and Watchkeeping for Seafarers 1978 (STCW Convention). This is also stated in Section 2 of Marine Orders 72 (Engineer Officers). This reflects the obligations in Article I of the STCW Convention which require signatories to the Convention, including Australia, to give full and complete effect to the Convention. The *Navigation Act 2012* also defines STCW Convention to ensure there is no misunderstanding about what the STCW Convention is, and this definition includes the expression "as amended and in force for Australia from time to time".

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Budget Estimates February 2014

Infrastructure and Regional Development

Question no.: 154

Program: n/a

Division/Agency: (AMSA) Australian Maritime Safety Authority

Topic: Marine Orders 70, 71, 72 and 73 - First Engineer

Proof Hansard Page: Written

Senator WILLIAMS asked:

1. Is it correct that in Australia the current practice is for the next engineer in responsibility after the Chief Engineer to be known as the "First Engineer"?
2. Is it correct that section 2 of the current regulation, Marine Orders Part 3, contains the following definition?
"...First Engineer means the engineer officer next in rank to the Chief Engineer and is the same position as that referred to in the STCW Convention as Second Engineer..."
3. Is it correct that Section 4 DEFINITIONS of Marine Order 72 (Engineer Officers) does not maintain/reproduce that Marine Orders Part 3 definition of First Engineer and instead replaces it with a definition of Second Engineer?
4. In which Consultation-Draft Marine Order did AMSA signal to industry, for consultation, its intention to not maintain/reproduce the Australian-industry-specific definition of First Engineer and instead replace it with a definition of Second Engineer?
5. Without such consultation how could AMSA be assured it was not making a mistake that would have adverse consequences for First Engineers in the Australian industry?

Answer:

1. This is correct for Regulated Australian Vessels under the jurisdiction of the *Navigation Act 2012*.
2. Yes.
3. It is correct that Marine Order 72 is not a complete reproduction of Marine Order 3 in regard to the definition of First Engineer. However the definitions in Marine Order 72 continue to reflect that "in the Australian maritime industry, the engineer officer who performs the functions of a Second engineer specified by the STCW Convention is generally referred to as the First Engineer".
4. Reference to First Engineer as reflected in Marine Order 72 was detailed in the consultation drafts released to stakeholders and published on AMSA's website in December 2012 and July 2013.
5. As this definition was contained in two public consultation drafts, AMSA does not consider there was an error made or a lack of consultation.

Rural & Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Budget Estimates February 2014
Infrastructure and Regional Development

Question no.: 155

Program: n/a

Division/Agency: (AMSA) Australian Maritime Safety Authority

Topic: Marine Orders 70, 71, 72 and 73 Definition

(First Engineer, Integrated Rating, Chief Integrated Rating)

Proof Hansard Page: Written

Senator WILLIAMS asked:

1. What was the reason that AMSA chose to not maintain/reproduce the Australian-industry-specific definition of First Engineer and instead replace it with a definition of Second Engineer?
2. What was the reason that AMSA chose to maintain/reproduce the Australian-industry-specific definition of Integrated Rating, despite this terminology not being supported by the STCW?
3. What was the reason that AMSA chose to maintain/reproduce the Australian-industry-specific definition of Chief Integrated Rating, despite this terminology, or even certification, not being supported by the STCW?

Answer:

1. *Marine Order 72 (Engineer officer) 2014* does reference the term First Engineer to reflect is the term in the Australian context. The purposes of Marine Order series is to give effect to the international Convention on Standards of Training, Certification and Watchkeeping (STCW Convention) and in cases where there is a difference between the Convention definitions and Australian practice, under the obligations of the Convention, Australia is required to give full and complete effect to the Convention. For this reason, in order to meet the international treaty obligation, AMSA defined Second Engineer because term is used in the STCW Convention. Nonetheless, the Australian industrial practice was identified as a note to that definition.
2. As noted above, if the STCW Convention defines a term this must be used in place of any domestic Australian-industry-specific term. In the case of Integrated Rating, the STCW Convention does not use this term nor any other to define the "Alternative Certification" requirements in STCW Code (A-VII/2 s4.3). For this reason, AMSA is able to define the Australian-industry-specific term.
3. If the STCW Convention defines a term this must be used in place of any domestic Australian-industry-specific term. In the case of Integrated Rating, the STCW Convention does not use this term or any other to define the "Alternative Certification" requirements in STCW Code (A-VII/2 s4.3). For this reason, AMSA is able to define the Australian-industry-specific term.

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Budget Estimates February 2014

Infrastructure and Regional Development

Question no.: 156

Program: n/a

Division/Agency: (AMSA) Australian Maritime Safety Authority

Topic: Marine Orders 70, 71, 72 and 73 - Engineer Experience

Proof Hansard Page: Written

Senator WILLIAMS asked:

Why is the Class 3 engineer experience 'bridge' to watchkeeper in Marine Order 72 (Engineer Officers) drafted in such a way that it is not available to anyone granted an Engineer Class 3 Certificate after 1 July 2013.

Answer:

The terminology used in Marine Order 72 for Class 3 qualifications changed with the introduction of the *Marine Safety (Domestic Commercial Vessels) National Law Act 2012* and Marine Order 505 on 1 July 2013. Class 3 certificates issued up to 30 June 2013 are called Engineer Class 3 and those issued after 1 July 2013 are called Engineer Class 3 NC (near coastal). Industry was consulted on Marine Order 505 before it was finalised. The bridge to Engineer Watchkeeper includes pathways for holders of either an unrestricted Engineer Class 3 or the Engineer Class 3 NC.

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Budget Estimates February 2014

Infrastructure and Regional Development

Question no.: 157

Program: n/a

Division/Agency: (AMSA) Australian Maritime Safety Authority

Topic: Marine Orders 70, 71, 72 and 73 - Trainee Engineers

Proof Hansard Page: Written

Senator WILLIAMS asked:

1. In which Consultation-Draft Marine Order did AMSA signal to industry, for consultation, its intention to abandon the existing Marine Order 3 trade-entry standard for entry as a Trainee Engineer?
2. Why did AMSA not consult with the Marine Engineers Institute (AIMPE) regarding AMSA's intention to delete the trade-entry requirement for entry as a Trainee Engineer and replace it with a lesser requirement of 'workshop skills training'?

Answer:

1. The trade-entry standard has been renamed the 'trainee engineer program' (it has not been abandoned). The trainee engineer program requirements were detailed in the consultation draft of Marine Order 3 released to stakeholders and available on the Australian Maritime Safety Authority (AMSA) website in December 2012 and July 2013.
2. Noting the answer to part 1, AMSA did consult with the Australian Institute of Marine Power Engineers (AIMPE) through both public consultation phases and in correspondence between the formal consultation periods in December 2012 and July 2013. Marine Order 72 does not delete trade-entry requirements and does not replace it with a lesser requirement of "workshop skills training". Moreover, the three specified trades under Marine Order 3 remain in Marine Order 72 along with eight further relevant and contemporary trades. In this case perceived "lesser requirements" are delivering the outcome sought by AIMPE.

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Budget Estimates February 2014

Infrastructure and Regional Development

Question no.: 158

Program: N/A

Division/Agency: (AMSA) Australian Maritime Safety Authority

Topic: Marine Orders 70, 71, 72 and 73 - Workshop Skills

Proof Hansard Page: Written

Senator WILLIAMS asked:

In which Consultation-Draft Marine Order did AMSA signal to industry, for consultation, its intention in Marine Order 72 (Engineer Officers) to abandon the AMSA determination of ‘approved trades’ and ‘equivalents’ and confer on colleges the power to determine entry standards and to adjudicate compliance on ‘workshop skills’?

Answer:

AMSA’s determination of ‘approved trades’, ‘equivalents’ and entry standards are included within Marine Order 72. Requirements were detailed in the consultation draft of Marine Order 3 released to stakeholders and available on the Australian Maritime Safety Authority (AMSA) website in December 2012 and July 2013.

Marine Order 72 sets the entry standards and does not grant colleges “the power to determine entry standards and to adjudicate compliance with workshop skills”. Marine Order 70 and 72 refer to “approved” courses/sea service, etc, and approved is defined as “by AMSA”. In line with common practice, the colleges do, however, have some limited ability to recognise prior learning (RPL). It should be noted that colleges must be approved by AMSA and must hold Registered Training Organisation (RTO) accreditation.

In regard to colleges and “workshop skills” this is very limited. Marine Order 72 allows the colleges to consider this aspect in regard to one of the three pathways into Engineer Watchkeeper - that is the “trainee engineer program”. In this regard it only applies to a candidate who holds a “qualification that is not workshop skills equivalent”. This term is defined and is either an advanced diploma of mechanical, electrical or electronic engineering or an approved engineer qualification - noting again that this must be approved by AMSA. This is done because a RTO is best placed to determine RPL from other formal tertiary qualifications. This ability is very limited and controlled through oversight by AMSA.

The industry body representing marine engineers made a submission to AMSA that the 36 month training requirement for cadet engineers should be able to be reduced by the colleges. AMSA did not agree and did not reflect this in Marine Order 72.

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Budget Estimates February 2014

Infrastructure and Regional Development

Question no.: 159

Program: n/a

Division/Agency: (AMSA) Australian Maritime Safety Authority

Topic: Marine Orders 70, 71, 72 and 73 - Certificates of Competency

Proof Hansard Page: Written

Senator WILLIAMS asked:

1. Is it correct that AMSA's drafting of Marine Orders 3 (now 70, 71, 72 and 73) pursuant to the Navigation Act 2012 on the one hand and AMSA's drafting of Marine Orders 505 pursuant to the Marine Safety (Domestic commercial Vessels) National Law Act 2012 on the other hand, so that they are totally separate from each other, produced the mistake that each does not recognise the Certificates issued by the other?
2. Is it correct that the Marine Engineer's Institute (AIMPE) made written submissions to AMSA that AMSA was making a mistake in the drafting Marine Orders 3 (now 70, 71, 72 and 73) and Marine Orders 505 so that they are totally separate from each other produced the mistake that each does not recognise the Certificates issued by the other?
3. In particular did AIMPE's submission dated 22 August 2013 contain the following warning:-
"...AMSA's proposal to delete the above Tables will disadvantage Engineers by preventing qualified persons from working in lesser positions (e.g. a Class 2 Engineer working in a job that requires a MED certificate) because nowhere in this Draft is the relationship between those certificates prescribed..."
4. Is it correct that on 18 September 2013 AIMPE wrote a submission to AMSA that nowhere in Marine Orders 505 (Certificates of Competency—National Law) or in Marine Orders 3 is the relationship between "...these two legally separate and distinct groups of Certificates of Competency ..." set out.
5. Were these statements by the Marine Engineer's Institute (AIMPE) at 29 and 30 correct as to this major drafting mistake by AMSA?
6. Was it then necessary for AMSA to correct these mistakes by issuing an Order exempting/correcting those mistakes called the Marine Safety (Navigation Act seafarer qualifications) Exemption 2013?
7. If AMSA was warned of this mistake in 2013 why did AMSA persist with the mistake and not resolve it by drafting MO 72 (Engineer Officers) so as to specify the relationship between all engineering certificates, those under the Marine Safety (Domestic commercial Vessels) National Law Act 2012 as well as those under the Navigation Act 2012?

Answer:

1. Yes. Marine Orders 70, 71, 72 and 73 have been made pursuant to the *Navigation Act 2012* and drafting of Marine Order 505 is made pursuant to the *Marine Safety (Domestic commercial Vessels) National Law Act 2012*.
2. Yes.
3. Yes.
4. Yes.
5. It is correct that AIMPE highlighted an error which was acknowledged and corrected by AMSA. During the two rounds of public consultation, a number of submissions were made by stakeholders which informed responses or amendments by AMSA.
6. Yes.
7. This mistake was corrected in December 2013 with the introduction of the *Marine Safety (Navigation Act seafarer qualifications) Exemption 2013*. Marine Order 72 is made under the *Navigation Act 2012* and the issue identified by AIMPE related primarily to the *Marine Safety (Domestic commercial Vessels) National Law Act 2012* and its associated marine orders. It is not possible to amend the

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Budget Estimates February 2014

Infrastructure and Regional Development

Marine Safety (Domestic commercial Vessels) National Law Act 2012 or its associated marine orders through Marine Order 72.

Marine Order 72 was, however, checked and modified before it was made to ensure that the recognition of alternative qualifications under the scope of Marine Order 72 is clear.

However, AMSA was unable to make a formal announcement about recognition of Marine Order 505 (near coastal qualifications) toward Marine Order 70 qualifications before formal consultation with industry was completed and the maritime training package was approved by the National Skills Standards Council. This approval was not formalised until late 2013.

It should be noted that AIMPE was a member of the industry steering committee that developed the near coastal qualification standard and was familiar with this proposed course of action.

Rural & Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Budget Estimates February 2014
Infrastructure and Regional Development

Question no.: 160

Program: n/a

Division/Agency: (AMSA) Australian Maritime Safety Authority

Topic: Operation Sovereign Borders – On-Water Incidents

Proof Hansard Pages: 94-95 (24/02/2014)

Senator Conroy asked:

Senator CONROY: ... Is AMSA aware of any on-water incidents in relation to Operation Sovereign Borders?

Mr Young: In the early days of Operation Sovereign Borders—

Senator CONROY: Can you give me a definition of 'early days'?

Mr Young: Forgive me as I look up the details. On 27 September, there was a search and rescue operation, which was widely reported. That occurred during the period of Operation Sovereign Borders. AMSA was briefly engaged in an operation in January which turned out to be a potential issue, but it was not a real one.

...

Senator CONROY: So they are the only two incidents that AMSA has been involved in?

Mr Young: To the best of my recollection, but I would have to take that on notice.

Answer:

The General Manager of the Emergency Response Division of the Australian Maritime Safety Authority (AMSA) clarified the answer to this question by amplifying the evidence provided during the hearing (proof Hansard page 103). However there were 20 incidents (not 21) related to the purposes of Operation Sovereign Borders in which AMSA was engaged during the period 18 September 2013 to 24 February 2014.

Rural & Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Budget Estimates February 2014
Infrastructure and Regional Development

Question no.: 161

Program: n/a

Division/Agency: (AMSA) Australian Maritime Safety Authority

Topic: Operation Sovereign Borders – On-Water Incidents

Proof Hansard Page: 96 (24/02/2014)

Senator Conroy asked:

Senator CONROY: ... Do you have incident reports for those two and any others?

Mr Young: We have the Rescue Coordination Centre's records.

Senator CONROY: Can we have a copy of the records of those two plus any others that you have?

...

Mr Peachey: I think the issue about privacy is a real one. We are dealing with people and their particular circumstances under distress.

Senator CONROY: Feel free to black the names out.

Mr Peachey: It would be preferable if we went back and had a look at those.

Senator CONROY: I am happy for that. We do not want any details of any individuals involved.

CHAIR: You have agreed to take it on notice?

Mr Peachey: Yes.

Answer:

In a subsequent question during the hearings, the General Manager of the Emergency Response Division of the Australian Maritime Safety Authority (AMSA), clarified the answer to this question by amplifying the evidence provided during the hearing (proof Hansard page 103). However there were 20 incidents (not 21) relating to the purposes of Operation Sovereign Borders in which AMSA was engaged during the period 18 September 2013 to 24 February 2014.

In relation to the release of the Rescue Coordination Centre's records AMSA is unable to provide the records without an unreasonable diversion of resources.

Rural & Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Budget Estimates February 2014
Infrastructure and Regional Development

Question no.: 162

Program: n/a

Division/Agency: (AMSA) Australian Maritime Safety Authority

Topic: Lifeboats

Proof Hansard Page: 103 (24/02/2014)

Senator Conroy asked:

Senator CONROY: If I can just make this point. It is clear from video evidence available to you on YouTube that these orange lifeboats are being deployed without the requisite gear to safely be deployed by the Customs boats, which are potentially within your jurisdiction. Will you undertake to inspect those Customs ships?

Mr Kinley: Just going back to your first point, nothing is clear at all. The only YouTube I have seen—

Senator CONROY: That is why I am asking you to investigate

Mr Kinley: —is taken from a lifeboat, which is floating.

CHAIR: I am sure you will take that on board. Thank you very much.

Senator CONROY: How did it get into the water, Mr Kinley? Will you undertake for this committee to investigate the facts?

Mr Kinley: I will undertake to do my job under my jurisdiction.

Answer:

1. The Australian Maritime Safety Authority (AMSA) conducts Flag State Control Inspections of Australian flagged ships under its jurisdiction in accordance with Instructions to Surveyors 63 - Ship Inspections. The purpose of the inspections is to verify compliance with relevant Australian legislation and International Conventions relating to ship safety and prevention of maritime pollution. AMSA will conduct further routine inspections of *MV Triton* and *MV Ocean Protector* when the vessels next return to Darwin.
2. AMSA is confident that the means of deployment of lifeboats by assets under the control of Border Protection Command is satisfactory and poses no risk to people.