

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates November 2013

Infrastructure and Regional Development

Question no.: 166

Program: N/A

Division/Agency: (AMSA) Australian Maritime Safety Authority

Topic: Acts that Confer Obligations on AMSA

Proof Hansard Page/s: Page 82 18/11/13

Context:

Senator CAMERON: Are there a range of other acts that confer obligations on AMSA?

Mr Kinley: There are a range of acts. The Navigation Act 2012 is one. There are quite a few.

Senator CAMERON: **Could you take it on notice and provide me details of the acts that apply.**

Mr Kinley: I can probably name most of them.

Senator CAMERON: Probably is not good enough; I need to know exactly. I am happy for you to take that on notice.

Senator CAMERON asked:

Could you take it on notice [the acts that confer obligations on AMSA] and provide me details of the acts that apply.

Answer:

Under Section 6(1) of the *Australian Maritime Safety Authority Act 1990* the functions of the Authority include (d) to perform such other functions as are conferred on it by or under any other Act. The following legislation confers functions on the Australian Maritime Safety Authority:

- *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*
- *Navigation Act 2012*
- *Occupational Health and Safety (Maritime Industry) Act 1993*
- *Protection of the Sea (Civil Liability) Act 1981*
- *Protection of the Sea (Civil Liability of Bunker Oil Pollution Damage) Act 2008*
- *Protection of the Sea (Harmful Anti-fouling Systems) Act 2006*
- *Protection of the Sea (Oil Pollution Compensation Fund) Act 1993*
- *Protection of the Sea (Powers of Intervention) Act 1981*
- *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*
- *Shipping Registration Act 1981*

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates November 2013

Infrastructure and Regional Development

Question no.: 167

Program: N/A

Division/Agency: (AMSA) Australian Maritime Safety Authority

Topic: Distress Calls

Proof Hansard Page/s: Written (page 83 18/11/13)

Context:

Senator CAMERON: How many distress calls has AMSA received since 1 July 2013, and how many individual incidents do they relate to?

Mr Kinley: I would have to take that one on notice.

Senator CAMERON: I assume you have had distress calls, even though you do not know the exact number.

Mr Kinley: We get distress calls daily from right around Australia.

Senator CAMERON: And what about offshore?

Mr Kinley: Yes.

Senator CAMERON: You have had offshore distress calls since 1 July?

Mr Kinley: Yes.

Senator CAMERON: You are taking on notice the number of distress calls. Which agencies were involved in those distress calls?

Mr Kinley: Again, I would have to take that on notice. It depends which jurisdiction they are in, how far from the coast they are.

Senator CAMERON asked:

- (a) How many distress calls has AMSA received since 1 July 2013 and how many individual incidents do they relate to?
- (b) Which agencies were involved in those distress calls?

Answer:

- (a) AMSA responded to 2818 incidents between 1 July and 29 November 2013. Of these, 1854 incidents were initiated by recognised distress alerting methods. The calls are received in a variety of ways, electronically and verbally, or through alert systems:

Cospas Sarsat system detection of distress beacons	879
Aviation SAR watch	648
Aircraft reporting distress beacons	183
Global maritime safety system devices	144

- (b) The following agencies are involved:
 - The Australian Maritime Safety Authority;
 - Airservices Australia.

Rural & Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Supplementary Budget Estimates November 2013
Infrastructure and Regional Development

Question no.: 168

Program: N/A

Division/Agency: (AMSA) Australian Maritime Safety Authority

Topic: Published Reports on Shipping Broadcasts

Proof Hansard Page/s: Written (page 83 18/11/13)

Context:

Senator CAMERON: Mr Kinley, why do you no longer publish reports of vessels in distress on your website?

Mr Kinley: We have never published reports of vessels in distress routinely on our website. I think you may be referring to where we had a web based replication of what we had with broadcasts to shipping. We no longer publish that; it is no longer necessary, because those broadcasts go direct to ships that we need to get that information for search and rescue purposes.

Senator CAMERON: So when was the decision made that those broadcasts would not be put on the web?

Mr Kinley: I would have to confirm that, but it was some weeks ago.

Senator CAMERON: How long have those broadcasts been published prior to this decision some weeks ago?

Mr Kinley: I will have to take that one on notice.

Senator CAMERON asked:

- (a) When was the decision made that those broadcasts would not be put on the web?
- (b) How long have those broadcasts been published prior to this decision?

Answer:

- (a) 18 September 2013.
- (b) Records indicate that broadcasts were published on AMSA's website from 2004.

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates November 2013

Infrastructure and Regional Development

Question no.: 169

Program: N/A

Division/Agency: (AMSA) Australian Maritime Safety Authority

Topic: Government Policy in Relation to Communicating Maritime Incidents

Proof Hansard Page/s: Page 86 18/11/13

Context:

Senator CAMERON: I am happy for you to explain that, but before you go there: Mr Young, are you aware of what form the communication took from government to advise you of the policy change? And can you advise me as to what that policy change was?

Mr Young: For some years now media, in regards to what we might term asylum-seeker vessels, has been managed by Customs and Border Protection. And we have systematically passed information about incidents to Customs and Border Protection, and announcements on the subject were generally made by Minister Clare. That has not changed. We still pass all the information to Customs and Border Protection, and it is now announced by the government according to the government's methods of working. We observe the policy in action. That is the current state of play.

Senator CAMERON: So, you just thought the government wanted a change, but I am confused here. Mr Kinley advised me that there was a communication, but he was not sure how that communication was made or who made the communication. Are you saying that is not correct?

Mr Young: No, I am saying that my understanding is that we have always passed information to Customs and Border Protection, and I would now say the government of the day decides how that information is presented to the public, because it is ministers who make announcements. I am with Mr Kinley in that if you want to know whether we have received a formal communication I would need to take that on notice and go and look.

Senator CAMERON: So, a formal communication from a minister, from a minister's department or from anyone associated with the minister—I would like to know what that communication was, because Mr Kinley considered there was a communication—as well as who communicated with you and any copies of any communication that is available. Can you take that on notice?

Mr Young: Certainly.

Senator CAMERON asked:

- (a) What was the communication?
- (b) Who communicated with you [AMSA]?
- (c) [Can you provide] copies of any communication that is available.

Answer:

- a) AMSA has not received any formal advice.
- b) N/A.
- c) N/A.

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates November 2013

Infrastructure and Regional Development

Question no.: 170

Program: NA

Division/Agency: (AMSA) Australian Maritime Safety Authority

Topic: Marine Order 3

Proof Hansard Page/s: Written

Senator Sterle asked:

1. Has AMSA had any discussions with the Minister's office since September 18 on the status of Marine Order 3?
2. Why is finalising this order being delayed so long?

Answer:

1. Yes.
2. A number of factors have influenced the timeframe for finalisation of Marine Order 3, such as:
 - a. After commencement of the review, amendments were made to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (the 'Manila Amendments') which needed to be incorporated and consulted on;
 - b. Implementation of the *Navigation Act 2012* required the first draft consulted on to be totally rewritten;
 - c. Extensive consultation comments required in depth analysis and responses provided for further consultation, which also resulted in extensive consultation comments; and
 - d. Introduction of legislative bills which would have invalidated the current Marine Order and the versions provided in draft for consultation had they been made.