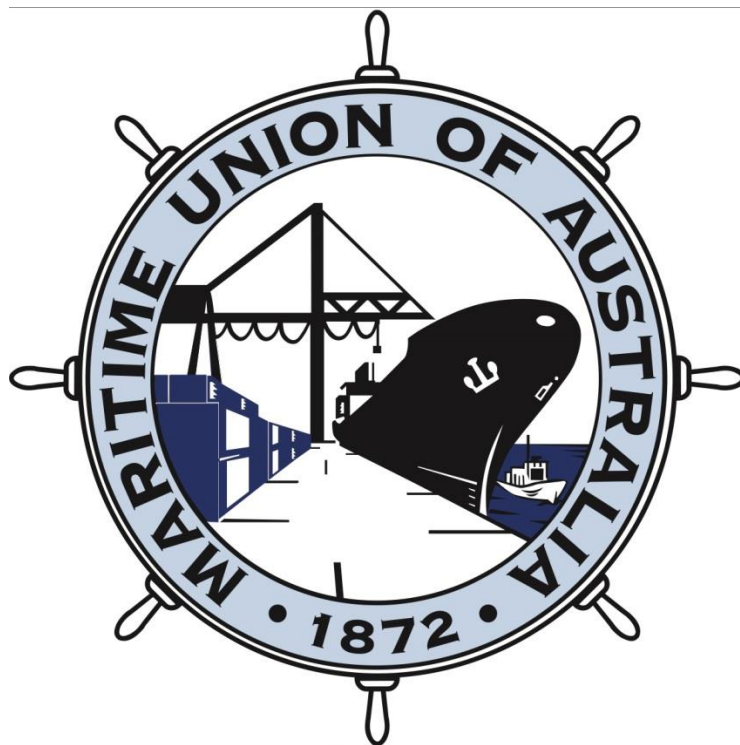


MUA Submission:

**Draft Marine Order 21 (Safety and
Emergency Arrangements) Amendment 2019**



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Australian Maritime Safety Authority

Submitted by email: Consultation@amsa.gov.au

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Introduction

This submission has been prepared by Maritime Union of Australia (MUA). The MUA is a Division of the 120,000-member Construction, Forestry, Maritime, Mining and Energy Union and an affiliate of the 20-million-member International Transport Workers' Federation (ITF).

The MUA represents approximately 14,000 workers in the shipping, offshore oil and gas, stevedoring, port services and commercial diving sectors of the Australian maritime industry.

Marine Order 21

The MUA supports the concept of additional measures being required for damage control drills for passenger vessels. However, these measures are being inserted into an unacceptable regulatory framework which removes the vast majority of passenger vessels in Australia from being subject to these internationally-agreed requirements. This framework is maintained by the extensive coverage of the DCV (National Law) Act, and the lax provisions of this Act which remove most vessels from compliance with SOLAS.

The current structure of Marine Order 21 reinforces this problematic framework by exempting all vessels registered as Domestic Commercial Vessels from most of the safety provisions of the Marine Order, including this new measure, no matter what the size of the vessel or the number of passengers it carries.

We urge AMSA to review the structure of Marine Order 21 and to require that all vessels comply with its safety measures, regardless of whether they are registered as a DCV or a RAV.

Section 6: Application

The safety standards and applicable regulations on all similar vessels conducting similar operational tasks within Australian waters should be the same. These vessels compete for the same work, encounter the same risks, and yet Regulated Australian Vessels (RAVs) have higher safety standards and more prescriptive regulation than Domestic Commercial Vessels (DCVs). AMSA and the international maritime community have decided that these standards are necessary to ensure vessels, crews and passengers are safe, and yet DCVs are not required to comply.

Marine Order 21 provides for safety of navigation, emergency procedures and atmosphere testing, as well as giving effect to sections of SOLAS. Yet only Division 2 applies to a DCV (see Table 1). Other Sections of the Marine Order only apply to RAVs, including Emergency signals, procedures, management and instructions, conduct of drills, requirements for

mustering passengers, the new damage control amendments, and atmosphere testing equipment. Most of these requirements, such as Section 20: Passenger Lists, which requires a head count of passengers before the vessel leaves port, and that a passenger list is kept ashore and made available to search and rescue services, require very little cost and dramatically improve survivability in the case of an emergency. It is also worth noting that AMSA may exempt certain vessels and classes of vessels, for example commuter ferries, from these requirements if they are considered to impose an excessive burden and an exemption will not reduce safety.

The application of Marine Order 21 must be revised to apply to both DCVs and RAVs.

Table 1: Application of safety provisions of Marine Order 21 to RAVs and DCVs.

Applies to Regulated Australian Vessels (RAVs)	Applies to Domestic Commercial Vessels (DCVs)
Navigation Bridge Visibility (S.11)	
Pilot Transfer Arrangements (S.12)	
Operation of steering gear (S.13)	
Steering gear – testing and drills (S.14)	
Operational Limitations (Passenger Vessels) (S.15)	
Manning of Vessels (S.09)	
Emergency signals (S.16-18)	
Emergency drills (S.19, Schedule 1)	
Passenger Lists (S.20)	
Emergency Management Plans (S.21)	
Emergency Instructions (S.22)	
Emergency duties for seafarers (S.12)	
Responsibilities of owner and seafarers (S.24)	
Atmosphere sampling (S.25, Schedule 2)	
Potential to exempt vessels or classes of vessels (MO21, S.7, National Law S. 143) if safety will not be jeopardised	

Section 10: Safe Manning for certain Regulated Australian Vessels

Masters and crew must be required to be appropriately trained to operate vessels, including the regulations that apply to that vessel. Section 10 of Marine Order 21 allows for AMSA to issue manning documents to RAVs under 3000GT specifying that the vessel may operate with a Master and crew with Near Coastal/ National Law qualifications (MO505).

Near coastal qualifications are not adequate in and of themselves to operate vessels. The standards of training are inadequate: General Purpose Hands are not appropriately qualified to work as ratings or act as a lookout, Master <24m are not appropriately trained to operate ECDIS and RADAR and training on stability is minimal. These qualifications are not commensurate with the STCW Integrated Rating, or STCW Master, Chief Mate, Navigation or Engineering Officer of the Watch. The standards of the Near Coastal syllabus are so disparate, that the only STCW certificate that can be issued to a holder of a Near Coastal CoC is a Navigational Watch Rating Certificate to a Master <35m NC. A Master <24m, for example, does not even meet the training requirements to stand as a lookout on a RAV, let alone be in charge of a navigational watch.

The master and crew on RAVs must be trained and competent in complying with the regulations that apply on the vessel. The regulations that apply to DCVs and RAVs are different. When obtaining an STCW CoC, masters and crew are trained in the regulations, conventions and Marine Orders that apply to the operation of RAVs. This training is not covered in Near Coastal qualifications. Crew on RAVs are required to comply with the following conventions which not covered in Near Coastal training:

- Standards for the Training and Certification of Watchkeepers (including the requirement to have a lookout posted at all times)
- the Maritime Labour Convention
- International Safety Management System
- International Maritime Dangerous Goods Code (IMDG)

All RAV crew should be properly trained to comply with the standards expected on RAVs.

Complex regulatory regime

Marine Order 21 is an example of the failure of the National Transport Reform to create a single National System for Maritime Safety. Prior to the creation of the National Law, there already was a National System as well as state-based systems. Now, as well as the state-based recreational systems, we now have two National systems – the National Law regulating DCVs and the Navigation Act regulating RAVs. Different Marine Orders regulate the two systems, and yet sections of MO21 apply to both RAVs and DCVs, and Section 10 (Manning of RAVs with NC crew) permits a National Law Marine Order (505 – Certificates of

Competency) to apply to RAVs. AMSA's purpose is to improve maritime safety, be an effective regulator and reduce red tape. Marine Orders such as this do not achieve these aims, and instead perpetuate poor standards of safety and training, overly complex regulation and contributes to the maritime skills shortage.

AMSA must shift to a single regulatory regime with common policy and regulation for all Australian commercial vessels and maritime qualifications. This regulatory regime must be benchmarked against the higher standards of the Navigation Act in order to improve safety, streamline regulation and align with the international maritime community.

Recommendation

The MUA recommends that AMSA conduct a full review of Marine Order 21, ensuring that:

- the entire Marine Order is applied to Domestic Commercial Vessels,
- that Section 10 is removed, so that only appropriately qualified masters and crew are permitted to operate Regulated Australian Vessels.