



Consultation Feedback Report

Marine Order 47 (Offshore industry units) Amendment Order 2020

Outline

The Australian Maritime Safety Authority (AMSA) has amended *Marine Order 47 (Offshore industry units) 2019*, which is now available on the AMSA website as *Marine Order 47 (Offshore industry units) Amendment Order 2020*. The commencement date of the Amendment Order is 1 July 2020.

The amended Marine Order addresses the following:

- inserts provisions outlining the criteria for revoking a MODU safety certificate;
- reinstates provisions requiring that gas cylinders containing breathing media used for diving operations are stowed separately to gas cylinders containing gas for maintenance purposes;
- reinstates provisions requiring that arrangements for the safe transfer of personnel are implemented, with reference to the OHS(MI) Code of Practice for Health and Safety in Shipboard Work and the training and certification requirements of IMO Resolution A.1079(28) - *Recommendations for the training and certification of personnel on mobile offshore units*;
- amends provisions to clarify that compliance with chapter 14 of the 2009 MODU Code is mandatory for all MODUs, and that a copy of the relevant MODU Code and chapter 14 of the 2009 Code is to be kept on board; and
- amends provisions relating to the familiarisation and training of personnel on board offshore industry units, manning determinations and minimum safe manning documents, in accordance with Marine Order 21 and A.1079(28).

The guidance material accompanying Marine Order 47 has also been revised, to include further detail about the compliance and enforcement options available to AMSA in encouraging operators to abide with all applicable Marine Orders.

Consultation Feedback

A copy of the draft of this Marine Order was placed on the AMSA website for public comment on 6 April 2020 for a 5 week consultation period. It was also sent to around 160 stakeholders, including offshore petroleum and gas proponents, ship operators, seafarer representative organisations, classification societies, shipping industry peak bodies and various government departments and agencies. There were two submissions received on the draft Amendment Order, neither of which required further changes to be made.

Marine Order 47 Amendment – General

Comment	We have reviewed the proposed amendments to the draft Marine Order 47 and we do not have any specific comments on the proposed amendments.
AMSA's response	Thank you for your response. Your comment is noted.
Comment	<p>I am concerned that MO47 no longer makes any reference to manning requirements on a MODU during towing operations. I have been advised that AMSA's stance on this was that the respective rig Flag Administrations are responsible for determining the required minimum safe manning levels, not AMSA.</p> <p>I acknowledge that the rig companies / operators may provide additional manning according to their own SMS. However, all the rig companies that I have worked with over the last 10 years (with the exception of Maersk) do not have their own Masters onboard during a rig move. For reference, I have attached a copy of the safe manning certificate for the jack-up rig "ENSCO 107" and as you will see, its requirement during tow operations is for an OIM or Master. Since rigs have an OIM onboard at all times, under the new MO47 requirements this is all they will need in order to move a MODU in Australian waters.</p> <p>As you will know, most, if not all, OIM's come from a drilling background and have no marine experience or knowledge. In the current market climate, all rig companies are operating on shoestring budgets meaning that if they can get away without putting a Master onboard during a rig move, then that is what they will do. Furthermore, in the recent past, rigs have been moving in and out of Australian waters without the assistance of master mariners because the rig companies have stated that once a rig is leaving the country then the MO47 requirements do not apply.</p> <p>If I am correct, MO47 was originally brought into being as a direct result of the jack -up rig "Key Biscayne" sinking off the Western Australian coast. The main causes of this incident were loss of stability / buoyancy due to tank hatches being opened at sea and the inability of the crew to re-secure the tow vessel in an emergency. As a result of this, AMSA regulated that all MODU's being moved from A to B in Australian waters must be under the command / guidance of a master mariner.</p> <p>I am worried that AMSA is letting the oil and gas industry, along with the broader community, down with this lack of guidance and regulation to the industry and I believe immediate steps are required to ensure the safety of all concerned.</p>
AMSA's response	<p>Thank you for your response.</p> <p><i>Marine Order 47 (Mobile offshore drilling units) 2012 and Marine Order 60 (Floating offshore facilities) 2001</i> largely duplicated regulations contained in other orders. The review of these two marine orders provided AMSA with an opportunity to reduce that duplication. Manning for offshore industry units, including MODUs, whilst they are subject to the <i>Navigation Act 2012</i> is in accordance with <i>Marine Order 21 (Safety and emergency arrangements)</i></p>

	<p>2016. Provisions have been added to the amended Marine Order 47 to require personnel on both the towed vessel and the towing vessel to receive the training and certification mentioned in IMO Resolution A.1079(28) <i>Recommendations for the training and certification of personnel on mobile offshore units</i>.</p> <p>Subsection 51(2) of the <i>Navigation Act 2012</i> provides for regulations specifying matters for making a determination on the minimum manning requirements for vessels. In this regard, AMSA must take account of IMO Resolution A.1047(27) <i>Principles of minimum safe manning</i>, which makes provision for a flag State Administration (AMSA) to make a determination on Australian-flagged vessels. MODUs that have had a manning determination under s51 of the Navigation Act are required to display that determination and the associated minimum safe manning document, as a condition of their MODU safety certificate. Foreign-flagged vessels are subject to the manning determinations of their flag State, but AMSA retains the authority to assess manning levels for towed vessels moving within its jurisdiction as part of the towing assessment required by <i>Marine Order 47 Division 4 (28)</i>.</p>
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