



Marine Notice 4/2012 Supersedes 4/2007

Safety of Fishing Vessels

The purpose of this notice is to advise shipmasters, skippers and watchkeepers on both trading vessels and fishing vessels about the potential risk of collisions between such vessels.

An unacceptable number of collisions and close quarters situations continue to occur in Australian waters between trading vessels and fishing vessels.

Investigations of these incidents indicate that, in almost every case, the fundamentals of good seamanship and basic adherence to the International Regulations for Preventing Collisions at Sea 1972 (COLREG) were contravened to varying degrees. Contravention of the COLREG is dangerous and is an offence to which **penalties*** apply.

The information provided in this notice aims to remind masters of trading vessels of the need to ensure that adequate lookout is maintained and the appropriate measures are taken to avoid collision with fishing vessels. It also aims to remind owners and skippers of fishing vessels that they also have significant responsibilities under the COLREG both when fishing and when in transit.

In Australia the COLREGs can be found in Marine Orders Part 30 – Prevention of Collisions.

Discussion of COLREG

The 1982 United Nations Convention on the Law of the Sea (UNCLOS) specifies the right of international shipping to transit the waters of a coastal State. Australia is a signatory to UNCLOS.

In practical terms this means that all users must share Australia's coastal waters including the responsibility for safety.

Rule 5 of the COLREG requires all vessels, including vessels engaged in fishing, to maintain a proper lookout by all available means. In this context "all available means" includes hearing, sight, radar, and other electronic means.

Rule 18 of the COLREG, in simple terms, requires all vessels, except those "not under command" or "restricted in their ability to manoeuvre", to keep out of the way of a "vessel engaged in fishing" however

Rule 2 – Responsibility - states generally that:

- (a) Nothing in these Rules shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to comply with these Rules or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.
- (b) In construing and complying with these Rules due regard shall be had to all dangers of navigation and collision and to any special circumstances, including the limitations of the vessels involved, which may make a departure from these Rules necessary to avoid immediate danger.

Rule 9 (a) says a vessel engaged in fishing shall not impede the passage of any other vessel navigating within a narrow channel or fairway.

*Subsection 258(7) of the Navigation Act 1912 specifies penalties of up to \$ 10,000 or imprisonment for 2 years, or both, for a person, and up to \$20,000 for a corporation.

Rule 10 (i) says a vessel engaged in fishing shall not impede the passage of any vessel following a traffic lane.

Rule 18 (d) also says that any vessel other than a vessel not under command or a vessel restricted in her ability to manoeuvre shall, if the circumstances of the case admit, avoid impeding the safe passage of a vessel constrained by her draught, exhibiting the signals in the Rules.

Fishing vessels also need to be aware of the risk of collision, by day or by night, with anchored vessels.

Overall, although a trading vessel may be required to take avoiding action in certain circumstances, the skippers of fishing vessels need to be aware that:

- large vessels cannot turn quickly and certainly cannot make rapid speed reductions. In confined waters such as the northern section of the Great Barrier Reef they may be confined by the narrowness of the charted route and the proximity of navigational dangers.
- in certain visibility or sea state conditions, or in the presence of some radar propagation effects, the bridge team on the large vessel may not detect the smaller craft either visually or on radar. It is recommended that fishing vessels, especially of fibreglass or timber construction, at least fit radar reflectors.

Under the COLREG, vessels are only considered to be engaged in fishing when fishing with “nets, lines or trawls or other fishing apparatus which restrict manoeuvrability”. Vessels are not considered to be engaged in fishing when “trolling lines or other fishing apparatus which do not restrict manoeuvrability”.

In addition to complying with the COLREG, the following basic precautions should be taken:

- maintaining a radar watch and listening on VHF radio **Channel 16**** and DSC Channel 70 where fitted;

- ensuring that the required fishing or trawling lights and shapes are not obscured;
- ensuring that the required fishing or trawling lights and shapes are extinguished or hauled down when no longer engaged in fishing; and
- avoiding erratic and unpredictable manoeuvres when in the vicinity of a large vessel.

Collision Risks

Analysis of collision statistics shows that fishing vessels are at risk, not only when fishing, but more so when on passage to or from port or between fishing areas. However, the special provisions of the COLREG, applicable to fishing vessels, only apply when such vessels are engaged in fishing.

This risk of collisions for fishing vessels can be significantly reduced by ensuring that all crew members, especially the bridge watchkeepers and not only the skipper, have a knowledge of seamanship and navigation and, most importantly, a sound understanding of the COLREG.

Some serious incidents have also occurred when fishing vessels have anchored in busy sealanes. This is a dangerous practice and should be avoided, particularly at night. The requirement for keeping a proper lookout applies even when a vessel is at anchor.

Fishing vessels may be encountered anywhere off the Australian coast at any time of the year and using a variety of fishing techniques.

Australian Government authorities may investigate incidents at sea involving fishing vessels and trading vessels that are subject to the *Navigation Act 1912*.

Incidents should be reported as soon as possible and in detail. The master of the vessel must forward an initial report (form AMSA 18) within 4 hours to

**The Maritime Safety Committee of the International Maritime Organization decided (resolution MSC.131(75)) that all GMDSS ships, while at sea, shall continue to maintain, when practicable, continuous listening watch on VHF channel 16.

the Rescue Coordination Centre (RCC) of AMSA in Canberra:

- by fax (+61 2 6230 6868 or 1800 622 153 (free fax within Australia); or
- by e-mail (Reports@amsa.gov.au); or
- via a Maritime Communication Station

The emergency contact phone number for RCC is: 1800 641 792 (toll free within Australia) or + 61 2 6230 6811 (from outside Australia).

A detailed report (form AMSA 19) is to be forwarded to RCC within 72 hours of the lodgement of form AMSA 18. Copies of incident reporting forms (AMSA 18 and AMSA 19) can be downloaded from the AMSA website at www.amsa.gov.au/Forms/ship_ops.asp.

Marine Notice 17/2010 provides details of reporting requirements.

Information on Fisherman and Safety Awareness at Sea and the Confidential Marine Reporting System is available from the Australian Transport Safety Bureau (ATSB) website at: www.atsb.gov.au/publications/2004/fisherman_safety.aspx; and www.atsb.gov.au/voluntary/recon-marine.aspx, respectively.

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