



**Minutes of meeting between Australian Maritime Safety Authority (AMSA) and
Recognised Organisations**

0900-1600 hrs Wednesday 14th February 2017

Attendees

Lucinda McIntyre (LM) – Chair	AMSA Registrar of Ships, Ship Inspection and Registration, Operations
Kevin Porter (KP)	AMSA Principal Marine Surveyor (FSC), SIR, Operations
Bonnie Daniel (BD) – Minutes	AMSA Administration Coordinator, SIR, Operations
Chris Barber (CB)	AMSA A/g Manager, Ship Inspection and Registration, Operations
Tobin Rudkin (TR)	AMSA Principal Advisor, Vessel Standards
Ali Azfar (AA)	AMSA Advisor, Technical Regulation, Vessel Standards
Craig Hughes (CH)	American Bureau of Shipping (ABS)
Wade Henson (WH)	Bureau Veritas (BV)
Zili Chen (ZC)	China Classification Society (CCS)
Rodney Humphrey (RH)	Det Norske Veritas- Germanischer Lloyd (DNV-GL)
Alan Williams (AW)	Lloyds Register (LR)
Takashi Nakamura (TN)	Nippon Kaiji Kyokai (NKK)
Anoop Rajendran Nair (ARN)	Registro Italiano Navale (RINA)
Hyum Seing Kye (HSK)	Korean Register of Shipping (KR)
Russell McCrudden (RM)	Marine Test Unit, Department of Agriculture and Water Resources (DAWR)
Jason Bayly-Stark (JB)	Marine Test Unit, Department of Agriculture and Water Resources (DAWR)

Apologies

Tony Edwards - Bureau Veritas (BV)
Weidong Lin - China Classification Society (CCS)

Item 2 – Housekeeping

LM - Welcomed all the RO representatives.

Louise Leja (Administration Coordinator, AMSA Melbourne), covered OHS matters related to the venue.

Item 3 – Welcome and Opening remarks

LM – Welcomed RO representatives and provided overview of main items to be covered in the meeting.

Item 4 - Review and acceptance of RO Meeting minutes October

LM – confirmed that feedback had been received from ROs on the minutes from the last meeting and the minutes finalised and accepted. An update of the progress of action items from the last meeting was provided and noting of items that have been finalised and those that are ongoing.

Action items ongoing are:

- Plan approval for livestock carriers – AMSA was to send out livestock carrier plans and procedures, this will happen shortly and RO's will be advised via email.
- Action item around MO compliance is ongoing.
- AMSA to review Load Line certificates and corresponding assigned grids where the vessels are to be operating in the tropical zone which is ongoing.

Item 5 – Implementation of the Ballast Water Convention.

RM – Introduced himself and colleague Jason Bayly-Stark from the Marine Test Unit (DAWR). Their area are responsible for implementing the Ballast Water Convention (BWC). He informed the group that they have a domestic Ballast Water policy about to be finalised and the resulting new legislation will be introduced. There is a new amendment bill to be introduced to Parliament today and that will allow them to make the BWC effective in Australian law. There are some issues under consideration for the Marine Environment Protection Committee (MEPC) at the IMO in regards to the BWC and there are a number of policies that have been released and have been sent through to the RO's recently asking for comments.

RM - Provided an overview of the BWC in an historical context. In 2004 the BWC was adopted at the IMO. Australia became signatory to the convention in 2005, but are still yet to ratify. In 2008 there was a review done on ballast water and biosecurity in Australia. The review recommended that Australia should introduce nationally consistent domestic ballast water policies.

RM – International ballast water is water picked up outside Australian seas, domestic ballast water is water moved between ports within Australia. In 2015 they introduced the Biosecurity Act. Chapter 5 of Biosecurity Act refers to ballast water but it needs amendments to give the convention full effect. Today the new amendment was introduced to Parliament and will hopefully be through by June so they can submit the instrument of ratification to the IMO so that it is fully ratified for the Convention in September.

RM – Explained that the proposed changes/amendments is going to become mandatory for ships to install a ballast water treatment system. These amendments will come in to effect once the convention comes in to force. That includes obtaining a plan, being surveyed and certified and the requirement for ships to meet the D2 discharge standards. There is a limit to the amount of viable organisms that can be in the discharge. Ships can meet that by installing a ballast water treatment system or some other way to meet that discharge standard which could include a port reception

facility. Records must be retained for at least 5 years – this means that a ship has to have at least 2 years of records and the owner has to keep a further 3 years.

RM - Explained that because the convention covers international and domestic, there are parts of the Convention that are difficult to implement on domestic shipping so they are introducing exemptions into the legislation so there is flexibility to make pragmatic and sensible decisions about what parts of the convention apply to the domestic shipping industry. When the decision is made at the IMO they want to have the flexibility to implement that in Australian law.

RM – At the Marine Environment Protection Committee (MEPC) there was a review of the G8 guidelines. These are the guidelines that they use to approve the ballast water treatment system for use. From this came a lot of concern from industry about the G8 guidelines as they were originally drafted. That has now been reviewed and adopted.

RM – Looking at implementing a schedule for the “exchange phase out” (when ballast water treatment systems or medium D2 standard becomes mandatory and they have to phase out the use of ballast water exchange i.e. flushing tanks out offshore). Installing a ballast water treatment system can take 6 to 12 months which will be a big issue for the shipping industry. There is no date for that to come in, but there was a resolution about 4 or 5 years ago saying it would be the first IOPP certificate renewal date after the convention comes into force so that would be over 5 years. That still stands but there is still a lot of debate and there are a few countries that are pushing to extend that anywhere between 7 to 15 years. It creates a lot of uncertainty for the shipping industry.

RM - At the MEPC they talked about contingency measures in the case of if a ballast water treatment system breaks down, how a PSC surveyor actually deals with that issue. They are going to be discharging high risk ballast water – what can we do to allow them to still discharge but not have unnecessary risk to the environment.

RM - Fresh water testing and operational aspects. There are a number of issues that need to be worked through as the shipping industry is complex and diverse as there are a lot of different designs and a lot ships doing different things. There is a lot of detail to work out.

JB – Advised they have been travelling around meeting with maritime safety agencies and government biosecurity agencies and have been doing some targeted consultation with industry. They will be going out to industry with the suggested policies over the next month or two. The policies are in draft at the moment and will have some implications for the RO's. Due to this complexity the Department is seeking feedback from the RO's.

JB – It was agreed that the Department itself will undertake the ballast water inspections for international and domestic vessels rather than it being a state responsibility.

JB - Advised that under the convention one of the big changes is the acceptable areas for ballast water exchange. It should be exchanged as far from land as possible. At least 200 nautical miles from land and 200 metres depth. If not possible, 50 nautical miles from land and 200 metres depth. If not possible then the area should be designated by the port state. Current draft policy has designated 12 nautical miles from land and 50 metres depth. This comes from quite a few years of analysis on what was the least biosecurity risk.

JB – Advised that this can raise issues when it comes to the practicality of doing that, especially domestic vessels on short trips and areas like the Great Barrier Reef (GBR) area. From this, they have developed different policies to try and overcome the issues. Under the current act there is an exclusion zone around the GBR. The convention considers the outer boundary of the reef and Marine Park as nearest land, so 200 nautical miles from that and 50 and 12 are the exclusion zones. The amendments are to bring the act in line with the convention. The reef has presented some big challenges as a lot of ships are moving inside the reef and it's not practical for them to move outside the reef to undertake an exchange. There has been a lot of confrontation on this policy so the Department has reached a pragmatic decision - that in between the ports within that zone you will not need to undertake ballast water exchange before you enter that area for both international and domestic vessels. For example if they are going from port to port in that area (e.g. Hay Point to Cairns) they wouldn't need to exchange. At the moment they are looking at whether Brisbane should be included in that zone, as there are biosecurity concerns around Queensland at present.

JB – Regarding the ballast water exchange phase out – the policy at the moment is that the phase out schedule that was discussed at MSPC will apply domestically as well. But there is a lot of complexity around what that means. In the draft policy, unless an owner can demonstrate reasonable grounds for an exemption they are expected to comply with the phase out and install a system. This would alleviate many of the problems such as exchange areas etc. However, industry is concerned about the costs and time periods of installing a system.

RM - There are some issues with ships under 400GT as the Convention itself says that they should comply with the D2 standard on their first IOPP certificates after the convention comes in, but not all ships under 400GT need an IOPP certificate. Putting that issue to the MEPC in London to see if they can work out another approach. At the moment there is a lot of confusion between administrations about whether ships under 400GT are actually completely exempt from the Convention or not.

RM - Reiterated that they are new to this area, so they want to engage with RO's a lot more, especially with survey and certification. They want to find out what their views are on these types of issues and is there any way on how to manage it. There are also a lot of ships that the convention might apply to, that are not in Class, so they would be interested to know what the RO's view is on how to manage it, and whether they would be willing to do the work or have someone else do it.

JB - The feedback they are receiving at the moment is that there is broad support for the idea at least for vessels over 400GT and in class. However DCV's are pushing for the next IOPP survey to extend to 10 years. He said they need to look more closely at that and if their argument has any merit. Also looking at if it is practical for ships that are towards the end of their life, should they have to install a treatment system.

JB - Noted that when the convention comes in, all ships will require a Ballast Water Management (BWM) Plan certificate. For international vessels they will need to get a BWM Plan certificate to meet Australia's requirements. The Conventions survey schedule regulations currently exclude vessels under 400GT, floating platforms and storage units. It excludes from the Convention that the administration shall establish appropriate measures, so when we were looking at what the appropriate measures would be, we came up with the policy that they are required to undertake surveys as part of MARPOL. They would then be required to obtain a plan and certificate at the time of the next scheduled survey. And if under 400GT they may be eligible for an exemption from that. The Department has received a lot of feedback from the offshore industry on this, and they have made quite strong arguments that floating FPSO's and

FSU's permanently attached to the bottom were covered by a different survey and different AMSA orders that had the same sort of equivalence in ensuring ballast water management safety and biosecurity management. They strongly argue that they should be exempt from requiring plans and certificates. This is something they are considering putting in to the Act at the moment.

JB – Vessels either under 400GT or over 400GT, not in class but under 35 metres for example has been raised as an issue and the Department is looking for feedback on how that should work and what is the most practical way to determine which vessels require management plans and certificates.

CB – Suggest that, as it is working with MARPOL, we should let the National Law carve it out for the domestic fleet.

KP – Noted that vessels under the National Law, NSCV having the vessel in class is optional for vessels up to 35 meters in length. There is a discussion underway regarding a proposal to move the current 35m to 45 metres in length.

For vessels that are DCV's under the National Law, if there is an intention to move the current length to 45m, there are likely to be a lot of vessels that are over 35m but less than 45m that will go over 400GT. As a consequence, where Class becomes optional, and vessels that are built to class, subsequently drop out of class in that range, this will have an impact as those vessels will cease to be subject to the ballast water management requirements.

Action Item – AMSA to provide more clarity to ROs on the move from 35 metres to 45 metres in length for vessels required to be in class.

JB - Biosecurity – sampling is something that the MEPC is still debating. A resolution was put forward and adopted that administrations would take samples for the first 2 to 3 years after the Convention comes into effect but ships won't be charged with any offences if they are found to have a non-compliant discharge. This doesn't mean that the administration will allow a non-compliant discharge to occur, so discharges are managed needs to be confirmed. There is a lot of work going on with sampling and it is very complex. The amount of organisms from the start of a discharge to the end of a discharge can be completely different.

JB - Reporting policies – pre-arrival reporting will not be required for domestic ballast water management. Ships have obligations to manage their ballast water in between domestic ports, but it's not practical to have them report every journey.

JB - There will be risk based exemptions available for ships that might be on a once off journey or a regular route and where there is no biosecurity risk on that journey.

JB - An online tool is available in Victoria because it is the only state that currently has a domestic ballast water requirement. Information is completed in the tool and it the results will indicate if you are carrying ballast water at high or low risk. If the result is low risk, the tool will generate an exemption that can be provided to the Victorian EPA allowing an exemption from managing the ballast water for that trip.

JB – Details of cost recovery – are currently with the Department's finance department. Currently Victoria has a domestic ballast water regime that operates on a cost recovery basis and it is likely that arrangements will be similar. The preferred arrangement is a levy for international vessels arriving in Australian ports, but it depends whether industry are willing to accept it and how much it is going to cost. The domestic market will be an approved arrangements with domestic stakeholders.

RM - Touched on MARS (Maritime Arrivals Reporting System). The department has developed another online tool for ships when arriving in Australia not just for ballast water but all biosecurity risks like food and human health.

RM - The Biosecurity Act is federal legislation that will override any state or territory legislation that conflicts with it. Biosecurity is managed under this legislation but it doesn't state that the state can't implement it. The first policy was for DAWR to do the inspections. The question was whether the states implement it on behalf of the Commonwealth, under their delegations, but it was decided that it is a lot easier, simpler and consistent for DAWR to do it.

RM – The “Australian Ballast Water Management Requirements” can now be downloaded. Version 6 is the current version. At the moment it tells you the current ballast water requirements. When the convention comes in it will be updated to Version 7.

RM – Over the past couple of years ROs have been sent a couple of emails regarding survey and certification. Recently an email was sent that included details of a policy for ROs to be delegated the authority to certify on behalf of the Commonwealth. In the email ROs were requested to verify their interest in being delegated that authority. Approximately half of the ROs responded. ROs are requested to email if they have any queries.

RM - At the moment the Department are still engaging with the MEPC on issues under consideration. There are some more policies due for release, including reception facilities, sediment reception facilities and a sampling policy. Once ready for distribution, they will be sent to ROs.

RM - The Department are drafting a list of survey authorities that have delegated authorities. Once the list has been finalised it will be published online to confirm. The Department would like to establish regular communications with the ROs.

RM – With regard to ROs undertaking survey and certification on behalf of the Department, there will not be a separate agreement to appoint an RO to do the survey and certification. As the Act sets out the requirements, all that is required is verification that the RO does have the delegated authority to do the work.

RM - Under the current Act management plans have to be stamped by the Department. When the Biosecurity Act was drafted, a survey authority could approve a certificate but a plan could only be approved by the administration. How this will now work will need to be clarified, but it will change with the proposed amendments.

KP - Discussion regarding what the arrangements will be as far as port state control (PSC) officers accompanying biosecurity officers in conducting the BWM surveys and compliance surveys. KP thought there was a meeting scheduled for later this year to discuss.

JB – Suggested that another way is if the biosecurity officers to accompany a PSC officer on an inspection under the PSC guidelines. AMSA can have an expert to do the ballast water inspection who would report back to PSC, who would then report any deficiencies etc. AMSA would detain the vessel if there was a deficiency in relation to BWM but this needs to be looked at. Advises that they are running a trial in Port Hedland soon.

Action item – AMSA to provide clarification to ROs regarding detentions and who has the power to detain.

RH – Advised that they would like regular contact with the ROs in the lead-up to the convention. He asked how ROs would like that information to be communicated. It was suggested interested parties convene at the end of the RO meeting.

RH - DNV-GL are in the middle of drafting something similar to the Instructions To Class published by AMSA but it would be ballast water specific. When the policy is finalised, they would like to distribute to ROs and see if it is helpful. If there are any issues, please contact him. He suggests that he talk to AMSA regarding the system used to upload plans and certificates and if it might be possible to use AMSA's system. They will talk with AMSA about that.

Item 6 – Implementation of the Ballast Water Convention – continued.

RM - Demonstrated the online the Australian Ballast Water Management Information System. The system is designed to give a risk assessment on the uptake and offload of ballast water, and gives a risk assessment to determine what marine life and plant life might be at risk. He advised this is only available in Victoria but will be available soon for all other ports.

RM – To use the system you need to apply to access the application form. The system will save the ship details if you have completed a risk assessment previously, but not the risk assessment itself as it considers the different times of year and what species might pose a greater risk.

Item 7 – Consultation with ROs on vessel release from PSC Detentions.

KP – Gave an overview of AMSA internal document ITS 63 annex D relating to the deficiencies and detention and release of ships.

KP – For noting from ITS 63 - “Where a detainable deficiency is certification related and the RO is responsible for the ships statutory certification, the AMSA surveyor is required to attach forms A and B. If the RO has been assessed as responsible for the detention, the email detention notification format attributing the RO responsibility in forms A and B are accompanying it. The surveyor notifies the respective RO by email, or a phone call should be made if possible when the RO has been assigned responsible to the detainable deficiencies”.

KP – Advised that RO's should receive a phone call from the AMSA surveyor attending the vessel. He informed that this possibly stemmed from a request that class attend every detention due to a class rule. This goes beyond the remit of AMSA PSC, noting that under the contractual arrangements between Class and the vessels owner's/ manager's, the onus is on the master or the operator to request class attendance.

There was extended discussion on RO attendance and the circumstances around when and whether they attend a vessel when detained.

CH – Commented that often, when the ship is detained, there is a lot of discussion between the RO and ship owner as the ship owner doesn't want the RO to attend because of associated costs. In the meantime AMSA may have released the vessel before class has reached the ship. The owner is then responsible for the cost of getting the surveyor to the ship when the ship has already departed. The end result is that the RO doesn't get paid. Often there are delay tactics used, as the RO cannot attend

without the owner's agreement. This is reflected in the rules and regulations. ROs are concerned that as the ships are not complying there may be implications for their ISM certification.

RH - For class, if the vessel is detained, and they can't get there until the next day, the vessel would usually be fully loaded and released by AMSA. This is generally when it is something that is easily fixed and usually Flag and the RO head office would agree that the vessel can be released.

AR – Commented that if RINA issue a statutory certificate on behalf of an administration, or any Flag state like Panama for example they provide clear instructions in the case of a detention. The surveyor must attend. If it's a minor issue and the ship can sail then we have authorisation from that administration to attend in the port of detention. In the scenario where the ship can be released before the RO attends RINA approach the administration and inform them that the vessel has been released and we require authorisation to attend at the next port. Based on that authorisation, RINA can confirm the statutory certificates. This becomes an internal issue.

There was extended discussion about whether the ROs can attend at the next port.

CB – Suggested that at the time of notification AMSA makes it clear on the seriousness and nature of the deficiencies and whether it might be released quickly or not. It is a grey area, AMSA doesn't want to unduly delay a vessel but there are obligations that class is supposed to attend the vessel. Suggested that the surveyor should ask the owner to notify class to attend before the vessel is released.

KP- The issue is how it is managed and an action on AMSA to try and work out how to communicate that in a manner that is timely enough so ROs don't start mobilising resources to attend the vessel and in the meantime the vessel has been released.

CH – Suggests before AMSA release the vessel, AMSA needs to have the conversation with the ship owner to ask them whether or not class has been notified and a request made that they attend as per the rules and regulations.

KP – Commented that class involvement relates primarily to SAFCON related detention (covered by SOLAS Ch. II-1, Regulation 3-1 that triggers the requirement for a vessel to be designed, built, constructed and maintained in class). A detention related deficiency linked to the SAFCON, would trigger the maintenance aspect and obligation on class to attend under its own rules and regulations. From AMSA's perspective, the detention and related matters only will extend to that which is required under the SOLAS certificate, it doesn't extend to the class rules and regulations.

KP – Commented that it's more of a communication issue locally between the offices and suggested consideration be given to whether or not RO's see any benefit of a get together in the regional AMSA offices (Melbourne/ Sydney/ Brisbane/ Perth) every 3 or 6 months. Meetings would be with the PSC officers to discuss these issues to achieve a better understanding and to find a way forward. This might result in better communication locally within the offices of RO's and surveyors in that area. Another option is to document a formalised procedure.

CB – AMSA need to be clearer at the time of detention. It depends on the nature of the deficiency and we how communicate that – and whether class need to attend.

CH - Suggested that only a phone call is required so that class knows straight away whether it is going to be an issue for them.

Action item – AMSA to review ITS 63-01 annex D to provide some guidance to the PSC surveyors when releasing vessels from detention and communications required with the RO with regards to attendance prior to the vessel being released. AMSA will notify ROs when the ITS has been finalised. Feedback will be sought

Safety of Navigation and ECDIS

KP – Advised that AMSA are finding substantial PSC issues with operator competency in regards to ECDIS and this contributed to significant issues in relation to safety of navigation. There appears to be an over-reliance on electronic systems, lack of understanding of ECDIS operations and functions, lack of familiarity of safety management systems and procedures and processes which are inadequate.

KP – Sought details as to how the RO's provide training to auditors in relation to ECDIS.

Question: When RO's are doing the ISM and SMS audit, are appropriate questions asked and do operators know what the common problems are relating to ECDIS?
Suggested that the auditor should have some background information and understanding in the area in order to be able to do an audit.

AR – Adequate training is provided for all the crew members on board. RINA add a chapter in the ISM Emergency Preparedness – specific instruction for ECDIS. Operators should be able demonstrate competency to the auditor. Regarding the auditor training - it is a grey area and is very difficult because all the ISM auditors are not navigational watch keeping officers.

RH – Commented that this is something DNV-GL are looking into at the moment. It is an area where many of them are not familiar.

AA - Informs the group that he has a navigation background. Have worked with so many different ships and different models of ECDIS and they can be quite different in how you maintain them. How do you update them, different manufacturers have different systems and trying to follow the instructions from the manufacture can be very difficult for the second mates, sometimes the older master mariners might have done the course and done the type specific course as well but they are not using it, they are still going back to the paper charts because they are so easy to manage. He says, for the surveyors they need to know whether a system is updated whether they know how to update that system and security and how often and the key issues as well and how the securities are dealt with. The surveyor needs to be aware of those sorts of things if they are certifying.

AW – Commented that the record of the requirement for updating security should be somewhere onboard the vessel.

RH - Commented that DNV-GL have procedures regarding ECDIS but no formal training.

CB – Suggested that there should be checkpoints to tick off on.

KP – Commented that providing a toolbox allows an auditor when having to address an ECDIS related ISM related deficiency on a PSC. He could have a series of leading

questions to try and find the root cause of the problem in order to establish whether a major non-compliance, non-conformance or an observation is to be made.

For noting: RO's may be asked that type of audit question

Item 10 – Marine Orders update – MO 31 comments/feedback

WH – Commented that there are two areas of conflict in the current order relating to bottom survey for passenger vessels. Clause 40 talks about dry dock inspections. It quotes the requirements for a cargo vessel. In one of the annexes it talks about passenger vessels falling in line with SOLAS and being required yearly – a few years ago they said when we amend the non SOLAS class 1B, 1C and 1D and 1E we would make fall in line with cargo vessels, being 3 yearly and the 1A passenger vessels - yearly. Questioned if this has been amended in the revised marine order.

KP – Noted that there was an error in an email that was circulated (the week of the RO meeting) in relation to Class 1E vessels. Marine Order 1 in section 22 specifically excludes 1E's from being RAV's, and permits Class 1A, 1B, 1C and 1D. This is a correction AMSA needs to make in MO 31.

Action Item: AMSA to review Marine Order 31 with a view to providing more clarity on requirements for bottom surveys and dry dock inspections.

KP – Noted that for a cargo ship, the minimum classification as a RAV via Marine Order 1 is a Class 2C vessel with Classes 2D and 2E excluded.

For those vessels that are Class 2D or 2E and wish remain under the Navigation Act 2012, is to issue a class 2C certificate with appropriate operational limitations specified in Section 4 of the Certificate of Survey. An example would be that typically used for unmanned/ manned barges.

KP – In the case of a passenger vessel, Class 1D is a minimum in order to be able to come within the remit of section 22 in MO1.

A vessel may be issued with a Certificate of Survey for a Passenger Ship Class 1D in order to comply with the administrative requirements, but the limitations of operations equivalent to an Class 1E vessel would then be applied, with the equipment and radio equipment provided being consistent with Class 1E operations.

KP – Marine Order addresses ISM for vessels over 500GT, but there was nothing requiring SMS on vessel types less than 500GT.

To address the issue, in Marine Order 31 Schedule 2 (non-SOLAS vessels) - Schedule 2.2 (certificate of survey - Cargo vessels other than fishing vessels) that in the last update the following:

“The owner of the vessel who has agreed to take over all the duties and responsibilities imposed by the ISM Code (in the ISM Code called the Company) has given the issuing body a written declaration that there is in place for the vessel a safety management system that complies with Part A of the ISM Code” was added into 2.2.

This paragraph was seen as an appropriate fix to rectify the problem, noting that DCV's are required to have a SMS under a NSCV part E which includes an option of either complying with ISM or having in place a domestic vessel type SMS.

It is important the owner needs to provide their RO with the required written declaration that they have a SMS that covers ISM Part A aspects – as part of the verification before the RO issues a Certificate of Survey.

Currently fishing vessels don't need to have an SMS (no reference in Schedule 2, 2.3), but the above statement was also intended to have been included for fishing vessels. It will hopefully be included in the next update of MO 31.

Fishing Vessels.

It is further noted that currently, there are not many Class 3A fishing vessels, but there is a possibility of several new fishing vessels seeking certification as Class 3A fishing vessels but restricted to Class B operations.

If a vessel is designed and constructed to meet all Class 3A requirements, the limitation on the vessel restricting operation to Class 3B would be the manning determination.

MO 21 comments

TR – Noted that the changes made to MO 21 last year introduced the ability for the AMSA qualifications area to issue manning certificates for RAV's, which were able to use NSCV Part D certificates on near coastal voyages within the EEZ. If inside the EEZ they can use domestic qualifications on a RAV. It's a 3A vessel working in a 3B area because it is only carrying people on board with domestic qualification rather than international.

MO 60/ 47 comments

TR – Noted that MO 60 which deals with Floating Offshore Facilities will be merged with MO 47 which deals with Mobile Offshore Drilling Units. So there will be a single MO to deal with offshore industry mobile units. AMSA will be seeking input from ROs in the second half of this year.

CH – Commented that some of the oil majors are looking for clarity on MO 60.

TR – Commented that MO 60 doesn't work well under the Navigation Act. MO 60 currently talks about certificate of operation when the facilities are connected, but MO 60 has no effect when they are connected because the Navigation Act is dis-applied by the Offshore Petroleum and Greenhouse Gas Storage Act (OPGGGS) so parts of MO 60 don't really have any effect for any of the facilities currently connected. The MO needs a re-vamp so that it is only used to address any problems we have regulating these sorts of things under the rest of the orders.

MO 53 comments

KP – Noted that the most recent example of a regulatory change is MO 53 that has been drafted as a result of the implementation of the Polar Code. ROs will have authorisation to act under the current RO agreement, and as nothing has been formalised it will be done under the provision of the section 4.2 – case by case provisions of the present agreement.

MO general comments

TR – Noted that ROs are included in distribution lists for public consultation – AMSA values any feedback received. We do have an administrative amendment type marine order being implemented, to make corrections to any of the existing marine orders. So if anyone is aware of anything, please advise AMSA and if you have any feedback on how AMSA consults, please let us know.

Item 9 - Update of transition to National System for Domestic Commercial vessels and role for the ROs.

CB – Noted that MO 503 Certificates of Survey – National Law is the Marine Order that would be of interest to ROs. For an existing or new vessel, it refers to the standards that apply to a vessel.

CB – Noted that we needed a workable solution for the Queensland fleet that have been operating without of Certificate of survey. In Queensland prior to the national system, having a certificate of survey was optional. If they have a certificate of survey, and they want to operate in NSW or be sold interstate it gives them a set of standards they can be surveyed against. This will be rolled out soon.

CB – Noted that there is a new standard exemption for unpowered barges that is currently out for consultation. This is to correct some issues with the NSCV which didn't really cater for barges.

CB – Noted that Exemptions 2 and 40 are currently open for consultation. These concern some risk factors and triggers to determine whether a vessel may be considered in survey or non-survey.

CB – Noted that there was a review of C4 done by Lloyd's Register. Some recommendations from this review will be put into effect. This will tidy up and simplify it. A consultation draft is being prepared, which was foreshadowed in the regulatory plan. This will end the grandfathering of requirement for safety equipment for the domestic fleet. One of the biggest challenges people have is knowing what applies to any particular vessel. This will provide a uniform standard across the whole fleet for safety equipment.

CB - Noted recent consultation with industry of the proposed change of requirement for domestic vessels to be in class from 35 to 45 metres.. The option of having vessels built to class but have no requirement for them to be maintained in class will be costed.

CB requested that when this goes out for broader consultation for ROs to be active and give feedback. Noted that there are many views and ideas and interested stakeholders need to get engaged in the process.

CB – Noted that AMSA are moving all the survey schedules and putting them into Marine Orders 503. So there will be three levels of surveys - high, medium and low. Low survey is once every 5 years, medium every 2.5 years and high survey frequency will be every year apart from the forth.

CB – Noted that AMSA are looking to make Load Line requirements simpler. C1 causes problems with accommodation and railing heights which hasn't been accepted particularly well by industry. All proposed amendments go out for external consultation. ROs were urged to get actively involved.

CB - Noted that the Domestic Vessel team in AMSA have been travelling around the country talking to AMSA accredited surveyors. It's an interesting mix because the private accredited surveyors have operated in Queensland for up to 20 years, and have been separate from government intervention. As a result they haven't been kept up to speed with all the regulatory changes, and getting the message across that things have changed can be challenging. The National System is very different as the standards used are set in legislation. Pricing of services vary from state to state so it will be a lot clearer when the National System has been rolled out.

CB – Noted the process for applications for equivalent solutions and exemptions. For RAVs that are becoming DCVs but are to remain in class, any exemption under the

Navigation Act does not apply under the National Law. The legislation is different. Conventions have exemption provisions but there are no exemption provisions under the NSCV.

CB - Displayed the new organisational structure – the Domestic Vessel Division has disappeared and has been incorporated in to the AMSA Operations structure.

CB – Noted that the point of contact for industry are the liaison officers in the regional offices. Call the local office and ask for them.

CB – Noted where the National Law Act, regulations, marine orders (which then give effect to standards) and exemptions can be found on the AMSA website. The National Law says that all domestic vessels should have a unique identifier, a certificate of survey, a certificate of operation and a SMS. Also showed where details of compliance and enforcement powers, improvements, directions and prohibitions can be found.

CB - Demonstrated the National System online.

CB – Commented that of greatest interest to ROs is MO 503, around certificates of survey. After the marine order came into effect we made some changes to allow ROs to do surveys the same as an AMSA accredited surveyor. Plan approval can be conducted against the standards that are specified in the Marine Order and conduct surveys. There was a bit of a pushback from the accredited surveyors but it was important move, because if someone has their vessel in class it means that they don't have to get someone else to come and do their safety equipment survey for example. Also for vessels that are being constructed overseas (DCV's) it allows owners to engage an RO to do the new building inspections, as would be required by the surveyor accreditation manual, provided that class is willing to provide that paperwork and sign off on it.

CB – Noted that the standards are specified in the NSCV. Generally it's an SCV for new vessels with some parts of the USL code or it's the USL code for existing vessels. What makes it more complicated is that the NSCV when construction starts and it pulls up Lloyd's Rules as the Deemed to Satisfy Solution, for example. ROs may do a plan approval against Lloyd's Rules and sign off on it, but may not be able to do it against their own Rules because if you look at DNVGL rules for example they do not allow other people to use their rules and assess against them. Even if DNVGL have been asked to do a plan approval for a DCV against their rules we would accept DCV approving their own but you still have to get an exemption to allow that as an alternative to the deemed to satisfy solution because it is not called up in the NSCV, it's not a default. A letter can be provided by AMSA to say it's an equivalent solution.

CB – Noted that a DCV in the course of its construction is a DCV, however if it is being built overseas and delivered to Australia under its own steam, it is a RAV and needs to comply with certification requirements under the Navigation Act for the delivery voyage. This is something you need discuss with flag state control before it is built, not after it's built.

KP – Noted that unless there is a dramatic increase in the availability of dry docking facilities in Australia it's likely that more and more large DCV vessels will have to go overseas. Port Moresby is developing its infrastructure to cope with more vessels for dry-docking, with both Bataam (Indonesia) and Singapore being popular dry-dock facilities.

CB – Commented that the role that ROs could have for overseas building is to do the new building construction survey in accordance with the surveyor guidance manual if they were prepared to provide the level of documentation. The scope of work will need to be clearly defined and understood.

CB – Demonstrated the MARS (Maritime Arrivals Reporting System) database – this will generate a specific checklist for the vessel based on size, class, etc. In the reminders there will be details of the type of surveys that it requires. When the database is built and finished there will be a portal for accredited surveyors to login and get this information and upload every existing vessel, the data has to be migrated in to the system. They will have to fit into Levels 1, 2 or 3.

CB – Noted that in the regulations there are about 9 additions of accreditations that an accredited surveyor should comply with, and if they are in breach of those surveyors can have their accreditation suspended, varied, revoked and can also have compliance notices put against them for breach of the law.

CB – Noted that full service delivery will be on 1 July 2018

CB – Demonstrated the MyBoat application, module 1– online standards tool calculator for domestic commercial vessels. It is available now and is free. It will allow the input of vessel specific information which then provides all of the deemed to satisfy solutions. It is an important tool because there is potential for disagreement. The application is tablet compatible and mobile.

Item 11 - Other Business

LM – Noted that the with regard to the ITC update and RO record keeping - the draft Instructions to Class were circulated with papers for this meeting. There is one outstanding item that was to be drafted for today, but was complete in time so the full draft revised ITC be circulated once it has been completed. If you have any comments in regards to the updates of the ITC please send them through to Lucinda.

KP – Noted that issues concerning barges (manned and unmanned) have now been covered in the ITC. RO's often becoming aware of a change of use when they undertake a survey and find that the barge has been sub-contracted by the Owner/ manager to a construction company. The barge having both equipment and people aboard, when for example, an 'unmanned' Load Line certificate and Certificate of Survey covering construction aspects only has been issued and there is no corresponding safety certificate issued in relation to the business that the barge is currently engaged in. To what extent the owners are going to advise the ROs of charters to construction companies, who subsequently modify it is another issue.

From a survey and certification point of view, if a dumb barge is chartered or hired out and modified to undertake business which requires crew/ equipment to be on board, it has to have an appropriate safety certificate and safety equipment to cover those operations.

Once the barge finishes the contract and the contractor is obliged to return the barge back to its original state and clear all the equipment off: in order for it to be returned to the owner as an 'unmanned' barge, the RO should revise/ update the certification and records accordingly to reflect the correct status.

KP – Noted that for most of these unmanned barges they have been assigned Load Lines on the basis that they have steel hatch covers and are 'unmanned'. They are permitted to have a reduction in their freeboard as permitted in the Load Line Convention (Reg. 27, 14(c)).

For a barge that changes use and becomes manned, the ITC has been revised advising that for manned use the 25 percent reduction in Freeboard permitted by ICLL Reg. 27, 14(c) no longer available and a draft restriction is placed barge. The draft restriction corresponding to a 25 percent increase in the Freeboard (if it is unmanned a 25 percent reduction is allowable). Furthermore adequate protection for the crew such as guardrails must be provided.

KP – Noted that ITC aspects covering MO 52 for Large commercial yachts is still outstanding. AMSA have just completed certification for the first MO 52 yacht, the templates were sent to the surveyors to use.

AMSA requested feedback and there were some comments, but haven't had a chance to look at feedback. AMSA are still accepting comments that will be considered in the drafting of the ITC.

Tonnage Certificates

KP – Regarding to tonnage certificates, it may be that the ROs might have to raise the following with IACS.

The issue stemmed from the last sentence contained in Article 10/3 of the Tonnage Convention and has been an ongoing issue. A ship that changes flag is to transmit to the administration a copy of the certificate carried by the ship at the time and a copy of the relevant tonnage calculations.

AMSA have had situations where ROs were requested to provide tonnage calculations and have been advised that they have been destroyed.

If a ship has changed flag, the original tonnage calculations should transition through all the flag administrations.

If it happens to be that the vessel remains under the survey of the class society that did the original calculations, then calculations should be retained internally by the RO, and the calculations should remain available to the respective Flag Administration.

If a vessel that starts life for example Singapore flag and NK Class, and is sold and goes to Malaysia with a new owner and transfers to ABS Class, those (Tonnage) calculations have to be transferred from NK to ABS.

It is not clear if the ROs themselves, or IACS has a procedure for transferring the Tonnage calculation between the ROs.

Action: ROs to provide information on where tonnage calculations are stored and current practices for transfer of information. ROs also to provide information on whether IACS can assist with standards for the provision of tonnage calculations.

MARPOL

KP – Where ROs provide services for a new build vessel under survey to class and is over 400GT and they have provided applicable MARPOL certification.

In the possible event that an Owner is allowed to withdraw class (e.g may be permitted by NSCV) which requires AMSA to take on statutory certification obligations, AMSA will need all the plans and other information that was used for the plan approval.

FPSO operations.

AW – Asked whether the process for FPSOs is it still the same.

KP – Responded that the process is no different to what is already stated in MO60 – that hasn't changed.

Provision of class services – DCV/ RAV

ZC – Commented that someone had discussed with him recently that they want a new fishing vessel constructed in China shipyard then moved to Melbourne as a DCV vessel. If they dispatched an accredited surveyor to China, it would be very expensive, is it possible for CCS to dispatch a surveyor to do the construction and certification?

KP – Responded that the quickest way is to build the vessel as a fishing vessel under CCS class and deliver it as CCS classed RAV with a certificate of survey for a Class 3A fishing vessel with relevant exemptions.

When the vessel arrives if the owner makes a decision to operate as a DCV the appropriate certificates can be issued by an AMSA accredited surveyor, and any applicable Navigation Act safety certificates/ exemptions returned.

If the vessel is to remain a RAV with CCS undertaking annual surveys etc., a manning determination may be sought for commercial operations as a fishing vessel within the EEZ (Class 3B fishing vessel), AMSA would request that CCS issue a Class 3A certificate with a restriction in the limitation of operation, stating that the vessel must not operate commercially beyond 200NM.

CB – Commented that if ROs have any questions about that sort of arrangement, to come to Kevin or Chris so that ROs are clear on the process. Suggested having a look at Surveyor Accreditation Manual and look at the extent of the plan approval and the documentation that is required and make sure that it's all covered in the building and construction.

CB – Noted that Chris will send the link to the Surveyor Accreditation Manual – this shows all the forms that AMSA expect to see uploaded.

Action item: Chris Barber to send the link to the Surveyor Accreditation Manual to ROs.

CB – Closing remarks –Reiterated that AMSA are treating all class societies equally and we want to make that quite clear. There are agreements in place to be upheld by all ROs. Commented that it is something we will be keeping an eye on. Any suggestion that this is not the case will be investigated.

CH – Revisited question asked by Alan with regard to MO 60. Commented that the response Kevin gave was not consistent with earlier advice from Rob Gehling provided by email, that was circulated this week, and that it is also not consistent with discussions previously had around PBI schemes to cover dry-docking's for the last couple of years.

Requested that this be revisited and for AMSA to confirm their policy.

KP – Noted that the policy is in the email that went out from Rob Gehling. Acknowledged that an incorrect response was given to Alan and the paragraph needs to be tightened up to cover dry-docking and requirements of ESP – to follow up post meeting.

Action: AMSA to provide clarification on policy for extended dry docking requirements.

LM - Noted that she will not be in the role of Principal Advisor, FSC for much longer as AMSA is recruiting for a replacement – RO's will be notified who has been appointed to the position by email.

Next meeting – Sydney – venue date and time to be advised.

Meeting closed at 4pm.

Action Items

Agenda Item	Action Item	To be actioned by
Item 5	AMSA to provide more clarity to ROs on the move from 35 metres to 45 metres in length for vessels required to be in class.	AMSA
Item 5	AMSA to provide clarification to ROs regarding detentions and who has the power to detain.	AMSA
Item 7	AMSA to review ITS 63-01 annex D to provide some guidance to the PSC surveyors when releasing vessels from detention and communications required with the RO with regards to attendance prior to the vessel being released.	AMSA
Item 10	AMSA to review Marine Order 31 with a view to providing more clarity on requirements for bottom surveys and dry dock inspections	AMSA
Item 11	ROs to provide information on where tonnage calculations are stored and current practices for transfer of information. ROs also to provide information on whether IACS can assist with standards for the provision of tonnage calculations	ROs
Item 11	Chris Barber to send the link to the Surveyor Accreditation Manual to ROs	CB

Item 11	FPSO - AMSA to provide clarification on policy for extended dry docking requirements	AMSA
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