



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

0900 – 1345hrs Wednesday 15<sup>th</sup> October 2014

### Attendees

Paul MacGillivray (PM) – Chair	AMSA, Principal Advisor FSC Implementation, SSD
Kevin Porter (KP)	AMSA, Principal Marine Surveyor FSC, SSD
Bonnie Daniel (BD) – Minute Taker	AMSA, SSD
Reza Vind (RV)	AMSA, Manager, SSD West
Alex Schultz-Altman (ASA)	AMSA, Manager, Ship Inspection & Registration, SSD
Craig Hughes (CH)	American Bureau of Shipping (ABS)
K. Raghuram (KR)	American Bureau of Shipping (ABS)
Babu Angel (BA)	American Bureau of Shipping (ABS)
Shajy Vadukoot (SV)	Bureau Veritas (BV)
Wade Henson (WH)	Bureau Veritas (BV)
Zili Chen (ZC)	China Classification Society (CCS)
Kutub Chowdhury (KC)	Det Norske Veritas - Germanischer Lloyd (DNV/GL)
Kyungho Hwang (KH)	Korean Register of Shipping (KR)
Alan Williams (AW)	Lloyd's Register (LR)
Peter Hatton (PH)	Lloyd's Register (LR)
Takashi Nakamura (TN)	Nippon Kaiji Kyokai (NKK)
Naxin Yu (NY)	Nippon Kaiji Kyokai (NKK)
Merdan Solak (MS)	Registro Italiano Navale (RINA)
Konstantinos Roumeliotis (KR)	Registro Italiano Navale (RINA)

### Apologies

Weidong Lin	China Classification Society (CCS)
Rodney Humphry	Det Norske Veritas - Germanischer Lloyd (DNV/GL)
Jong-Eun Choi	Korean Register of Shipping (KR)



**Item 1 & 2 – Welcome and Housekeeping**

PM – Welcomed all the RO representatives and covered OHS matters related to the venue. PM acknowledged the Flying Angel Club (Mission to Seafarers), Fremantle and thanked them for their hospitality and providing the meeting venue.

**Item 3 – Opening remarks from Alex Schultz-Altman**

ASA – Welcomed RO representatives and gave a brief overview of Ship Inspection and Registration and the functions within.

ASA – Highlighted that there were issues coming to light with the amended Marine Orders arising from their implementation post-1 July 2013.

ASA – Outlined the main topics for discussion: Marine Order (MO) 52 – Sailing Vessels, MO 60 – Floating Offshore Facilities and MO 11 – Living and Working Conditions on Vessels. ASA asked for RO input on the policy papers MO 60 and 52 (included with meeting agenda documentation) and draft MO 11 currently out for public consultation.

Round table introductions – RO Representatives present introduced themselves.

**Item 4 – Review/acceptance of RO Meeting minutes October 2013**

The minutes had been circulated prior to the meeting. Minutes from the previous meeting were accepted with no objections.

**Item 5 – MLC, MO 11 and DMLC for DCV**

PM advised that the draft MO 11 was due to be issued this week (week of 13 – 17 Oct 2014) for public consultation. The internal review process has been lengthy and the MO has been changed quite a bit in order to make it more logical and coherent. AMSA has focused on where the original MO may have varied from the requirements of the MLC and thus is a more simplified document.

PM advised that to date AMSA has issued 50 DMLC Part 1. The biggest challenge has been the application of Section 8 (accommodation) when dealing with existing vessels that were not built to Australian standards. ASA further reiterated that it is simply not practical to retrospectively apply MO 14 – Accommodation to imported vessels.

PM advised that the accommodation standards issue is reflected in the draft MO 11 whereby ILO C92 / 133 and (for Domestic Commercial Vessels (DCVs) seeking to become Regulated Australian Vessels (RAVs)) Part C1 National Standard for Commercial Vessels (NSCV) are recognised.

There was discussion regarding RAVs not applying for Maritime Labour Certificates. ASA stated that a RAV of 500 GT and over must have an MLC certificate. If under 500 GT and the vessel is required to sail overseas (for dry docking) AMSA will issue DMLC Part I. Also noted that any DCV proceeding on an overseas voyage is a RAV and must be certified accordingly.

ASA – Regarding port State control, a number of ships have been detained for exceeding seafarers' employment agreements re annual leave. The General Manager SSD had requested that AMSA raise the issue of seafarers' agreements and entitlement to leave and the requirements being enforced.

ASA – Suggested AMSA issue a memo to ROs re entitlement to leave.

**Action: PM to issue memo to ROs.**

There was discussion re provisions on board and what is adequate as this has proven to be a grey area.

ASA – Seafarers may be happy with the provisions or accommodation on board but AMSA inspectors may think it is not appropriate. AMSA needs to look at whether it is a risk to the health and welfare of the seafarer. If AMSA believes the seafarer is at risk, AMSA must take action. He advises that AMSA won't always be right, but it is all part of the learning curve. He informs that AMSA are starting to collect details on our detentions and look at the situations that are providing a bench mark to learn from.

ASA – The challenge is: Can the ship actually get the provisions depending on the port where they are berthed? The master can say it is impossible to get food in a particular port, but AMSA has to say that it's not acceptable and the ship has to find a way to keep food stocks up. They need to think ahead and if necessary get the provisions before they come to Australia.

ASA again asked for comments on MO 11. He indicates that AMSA would like to be aware of any issues before the MO is finalised.

### **Item 6 – Review of ITC, Section 13**

The draft ITC document was provided with the agenda documentation package.

PM advised that Section 13 is subject to change due to revision of the MO 11. However, the current draft has been revised to take account of the changes in process for issue of DMLC Part I. AMSA recognises that its approach to issue of DMLC Part I is different to other administrations, but, having now issued some 50 DMLCs with no discernible problems, will not be changing this.

ASA – The DMLC Part II review and endorsement should be completed after the formal inspection of vessel. The inspection has to cover all 14 areas subject to general inspection and AMSA needs to make sure the process is correct and consistent.

PM – Once AMSA is satisfied with the DMLC Part II review and inspection the DMLC Part I can be issued very quickly. There have been issues with item 8 in regards to accommodation and hospital facilities, but in general, there have been few problems.

ASA – No exemptions are being granted in the DMLC Part I. AMSA prefers to include these in the body of the document (mostly in regard to Section 8 – accommodation items). AMSA has taken a pragmatic and flexible approach, reviewing accommodation issues on a case by case basis. ASA advises that the certification process will evolve and, like the shipowners and ROs, AMSA is still on a learning curve as well.

ASA asked if all were satisfied with the ITC process. All agreed they are satisfied. There were no further questions or discussion.

### **Item 7 – Review of Marine Orders (31, 32, 44, 52 and 60)**

Policy papers on Marine Orders 52 and 60 were included in the agenda documentation pack.

ASA – Under the Navigation Act 1912 some vessels, including yachts, were not included. This is no longer the case with the Navigation Act 2012.

In looking for a standard to apply to MO 52, it was decided to not apply the Red Ensign Group's "13-36" Code. Yachts carrying over 12 passengers are considered to be passenger vessels and will be treated accordingly under SOLAS.

LY2 sailing vessel requirements are outdated and lack level of detail. Sail training vessels are picked up by LY3. The key difference between LY2 and LY3 is application of the MLC.

ASA – LY3 will be applied to new vessels. AMSA will conduct a gap analysis with LY3 for existing vessels and take a pragmatic approach. Thirty percent of seafarers on super yachts overseas are Australian. When the draft order is issued AMSA will circulate to ROs prior to public consultation. **AMSA included a copy of LY3 in the meeting agenda document pack emailed previously.** AMSA also needs to produce a national annex to complement the MO.

**Action: AMSA to circulate draft MO 52 to ROs before public consultation.**

ASA asked ROs to ensure that vessels are registered and stated that they need a Shipping Registration Certificate. A vessel leaving Australia is obliged to be registered. Under Section 13 of the Shipping Registration Act vessels that operate within Australian waters and less than 24 meters are exempted. These vessels don't need to be registered, but must be registered if sailing to or from an overseas port.

MS asked about vessels less than 24 meters being registered. ASA – send a request to the Manager, Ship Inspection & Registration. The Shipping Registration Office will respond. Provisional registration requires 50% payment. MS further asked about qualifications of pleasure craft using UKMCA yacht certification. ASA advised AMSA Shipping Qualifications are looking in to this.

ASA – AMSA have started the process of reviewing the Shipping Registration Act

Marine Order 60 – Floating Offshore Facilities

ASA – The importance of MO 60 is increasing due to the fact that the offshore industry is growing and the technological challenges it poses are considerable.

ASA – The biggest issue is FLNG (Floating Liquefied Natural Gas): LNG, LPG and condensate. Other issues are ESP surveys (maintaining compliance on ships intended to remain in the field for 40 years), bridge visibility, ship to ship transfers. He advises it is becoming a very challenging facility and AMSA are looking at a couple of ships a week doing transfers.

In preparing MO 60 AMSA will look at the IGC Code for storage, MODU and LSA Code requirements.

ASA – The foregoing has been discussed in the policy paper. AMSA also has to account for Australian-flag vessels moving to international waters in future. With regard to ESP, AMSA must put an alternate regime in place that ensures the structure of the ship remains safe. Ships are intended to be in the field for years; they are not going to drydock for inspections. ASA suggested something will undoubtedly occur to make the vessel go to drydock.

Foreign flag FPSO conditions are generally poor and have a lot of deficiencies, which is part of the challenge of them being in the field for so long.

Question: CH – Foreign Flag FPSO – If they come in will they be subject to PSC inspection – may be towed away straight from riser. ASA informed need to maintain certification and maintenance of equipment and gear.

ASA asked for feedback, comments and questions re MO 60 issues. He advised that MO 60 is in the drafting stage and would like to know of any feedback now to help speed up the process.

**Action: AMSA to send out an email specifying a deadline for responses.**

MO 31 is currently being finalised. Survey requirements have been simplified and now include towing. MO 31 has an improved structure and simplicity and is intended to harmonise more closely with SOLAS. The definition of Incident has been revised.

ASA asked if everyone received the draft MO 31 which came out recently and wanted to clarify if the ROs are receiving the emails.

ASA asked that ROs please send an email if not receiving MOs.

**Action: AMSA to send out an email with MO 31 attached and specifying a deadline for comment on MO 31 as 24<sup>th</sup> October 2014.**

**MO 32 – Cargo Handling Equipment**

First issued in 1983, at a time when there was no OHS regime on the waterfront. New draft will only deal with shipboard equipment. Equipment belonging to the ship is the master's responsibility. MO 32 is coming out for external comment on the 24<sup>th</sup> of October 2014. ROs are encouraged to respond. AMSA is aiming to have MO 32 signed off and issued by the 12<sup>th</sup> of December 2014.

**MO 44 – Safe containers**

PM sent out email in September asking how Authorised Organisations are meeting requirements set out in Section 9 in MO 44.

**MO 43 – Cargo and Cargo Handling, Livestock**

ASA – AMSA has a Project Manager dedicated to the MO and the policy papers have been approved. All foreign flag ships need to carry a certificate for carriage of livestock from Australia.

**MO 42 – Cargo stowage and securing**

ASA – is being amended and will be re-issued soon.

**MO 33 – Cargo and Cargo Handling, Grain.**

ASA – Fumigations: need to review how AMSA deals with this.

**MO 49 – High Speed Craft**

ASA – Has gone out for public consultation, picking up changes to SOLAS.

**MO 59 – Offshore Support Vessel Operations**

ASA – AMSA is considering removing this MO.

**MO 15 – Construction – Fire Protection, Fire detection and fire extinction**

ASA – AMSA now recognises IACS Recommendation 99. This is included in reissued MO 15.

**MO 2 – International Register**

ASA – Possibly linked to coastal shipping. About to be signed off.

**MORNING TEA – 1030**

PM introduced AMSA's new port State control video. He explained this has replaced the one that has been in existence since 1998. The video was issued on USB sticks with the assurance that the group is free to distribute them as they see fit as there is no copyright on the video.

The AMSA PSC five-minute video was viewed.

### **Item 8 – Plan Approval**

KP – Asked that the ROs send an email to FSC requesting change of Flag.

KP – Informed that when he receives an email informing of a change of flag he does not always receive all the documentation that he needs to complete the process. When AMSA gets vessels changing flag there are requirements for fire and safety plans, Loadline conditions of assessment and records of assignment. KP asked that he get plans in electronic form as this is easier.

KP – Design approval documents and other letters issued through the ROs must take account of where Australia has variations to Conventions. Marine Orders are not being followed in reviews of plans and are not being referred to in any of the plan approvals, i.e. liferafts, no reference to MO 25 – Lifesaving Equipment. Another issue is that some ROs are not reviewing the most current Marine Order. KP asked that ROs please ensure they are using the most current MO.

KP – When vessels change flag they need to make sure the planning approval is done before registration.

KP – Discussed approval of Viking 30-month liferaft servicing cycle. KP agreed to provide a copy of approval to ROs.

#### **Action: AMSA to send a copy of the approval to ROs.**

KP – Bridge visibility issues frequently arise due to excessive landing craft bow door height. Many landing craft cannot comply and hence need exemptions. KP has to go through the process of seeking background information. Very time consuming.

KP – Asked if there are any questions re the process that is in the ITC.

ASA – If inconsistencies are found between Marine Orders and ITC contact FSC and AMSA will review the ITC for clarity.

KP – Under the Navigation Act 1912, where a State or Territory's legislation did not give effect to the MARPOL Convention, then Commonwealth legislation (Nav. Act 2012) required the vessel to comply and be provided with certification. Updating of the 'POTS' Act - Protection of the Sea (Prevention of Pollution from Ships) Act 1983 No. 41, 1983, as amended requires vessels to comply with MARPOL, but does not include the requirement to have certification. MARPOL for both RAVs and DCVs is covered by Chapter 4, Part 2 of the Nav. Act 2012. A DCV must comply with MARPOL and be issued with MARPOL certification, but this does not make it a RAV.

ROs on request by Owners of DCVs may approve the relevant system plans, documents and information, inspect, test and on completion issue relevant MARPOL certification as required.

#### **Action: AMSA to review the RO Agreement and consider appropriate amendments the ITC to allow ROs to issue MARPOL certification to any Australian vessel.**

KP – DCV to RAV issues. AMSA is not getting info on Loadline. Is KP required to chase up? New builds are normally not a problem. AMSA is relying on the ITC being read, understood and used.

### **Item 9 – Medical Carriage Requirements**

KP – MO 10 has been incorporated with MO 11. The medical carriage guidelines are on the website for Category A and Category B vessels. There have been issues and AMSA is looking at developing a Category C. They are looking to harmonise medical carriage requirements for RAVs and DCVs, i.e. MO 11 with NSCV Section 7A.

KP – AMSA is looking at reducing medical carriage requirements, depending on the operations that they are intended for. There is a need to provide a level of safety; however, medical equipment is costly. Not sure when new carriage guidelines will be published, but it is in hand.

KP – Asked if there are any issues with regard to carriage of medical equipment, if so contact AMSA.

### **Item 10 – Certificates / Statements of Compliance**

There was discussion re the confusion between RAVs and DCVs.

KP – It has become apparent that there is still confusion with regard to vessels holding Certification issued by a State body as a delegate of AMSA under the National Law (DCV) and statutory safety / Load Line Certification issued by AMSA or on behalf of AMSA by an RO making the vessel a RAV. If the vessel has on board safety / Load Line certification issued by AMSA / RO it is a RAV and not a DCV.

There is no issue with a DCV being issued with an RO 'Statement of Compliance' under the RO's own terms and conditions at the request of the owner. The same applies to ROs issuing a 'Document of Compliance for Load Line' – such documents do not make the DCV a RAV.

ROs are not authorised to issue an 'Australian Load Line Certificate' to a DCV. In relation to RAVs, the 'Australian Load Line Certificate' is a thing of the past. Only International Load Line Certificates are to be issued to RAVs in accordance with the Convention.

AMSA recognises that the current DCV / RAV certification systems has caused confusion within the marine industry and needs to be addressed. Discussions have taken place at a high level with the hope that a more unified approach will be in place by 2017 seeing many of the bureaucratic requirements removed.

ASA – Moving towards a more unified approach in 2017 that will hopefully see a positive change in bureaucratic requirements.

AMSA received a query from BV regarding the AMSA template for Certificate of Survey form CC (below). They are unsure of what is required to be entered in the field shown below for liferafts. It appears that this field has been copied from SOLAS cargo ship safety equipment certificate form E, where the field states "number of liferafts required by regulation III/31.1.4"; however, they are not sure what should be entered for non-SOLAS vessels on form CC.

5. Liferafts	
5.1. Those for which approved launching appliances are required	
5.1.1. Number of liferafts	
5.1.2. Number of persons accommodated by them	
5.2. Those for which approved launching appliances are not required	
5.2.1. Number of liferafts	
5.2.2. Number of persons accommodated by them	
5.3. Number of liferafts required by	

KP – Matter was raised by a recent email from BV in connection with AMSA Form 31/10, Record of Equipment, Section 5.3. In the Record of Equipment, Section 5.3 attached to the Form, the corresponding SOLAS Form E - uses the entry: “5.3 Number of liferafts required by Regulation III/31.1.4”

This has been removed in the AMSA Form being replaced by a drop down box having a “BLANK”, “USL Code” or “Marine Orders” BV requested AMSA to provide clarification with regard to the use / meaning of the drop down box.

**Action: AMSA to review the Record of Equipment Section 5.3 and provide guidance.**

KP – Presently, AMSA Form 31-10 includes the Certificate of Survey and the Record of Equipment, following discussion it was agreed that the two be separated.

**Action: AMSA to separate the MO 31/10 certificate from the Record of Equipment.**

**Item 11 – MLC Certification for DCV overseas voyage to dry dock**

PM – Re. DCVs required to go overseas for dry docking and refit, in some cases the ship delivery company has issued its own DMLC Part II for the voyage. The concern here is that with respect to Section 8, Accommodation the ship delivery company has no oversight. How should AMSA treat this? We don’t wish to see Australian-flag vessels detained during course of PSC inspection for not carrying adequate MLC certification. How to show that they are compliant? How does AMSA ascertain if the crew are happy with accommodation arrangements on board? There have been some intense discussions with ROs, as AMSA has requested the DCV (less than 500 GT) to have a DMLC Part II as evidence of MLC compliance. Otherwise, how can the vessel provide evidence of MLC compliance?

Therefore, if over 500 GT, DCV going overseas (which then makes it a RAV) needs full MLC certification. If less than 500 GT, Owner must submit DMLC Part II; AMSA will issue DMLC Part I.

**Item 12 – Vessels engaged in sea trials overseas**

KP – Recently issued s.334 exemptions to a couple of gas carriers for the purpose of sea trials to be conducted off Singapore. Vessels cannot be issued with full certification until the vessel has completed trials. The Shipping Registration Office can issue provisional registration. No exemption can be issued without the provisional registration being issued. Full registration will be issued on completion of sea trials.

**Action – AMSA to update ITC for vessels engaged on sea trials overseas.**

**LUNCH**

### **Item 13 - Questions and RO Issues for AMSA**

Kutub Chowdhury, DNVGL gave a presentation on the progress of the DNV-GL merger.

PM – Asked the attendees if they had any issues / questions that they would like discussed.

RV – Proposed to have a routine meeting with the local AMSA and RO surveyors to discuss PSC/ ISM/ FSC issues. It was suggested to meet every one or two months and to also invite any other class societies.

#### **Action: RV to send out email invitations.**

RV – Sometimes find ISM deficiencies during the course of PSC inspection and detain the vessel. The RO is asked to audit the vessel and for the most part do a good a job. However, some ROs are reluctant to or not willing to issue a major nonconformity, even though the deficiency clearly warrants this. AMSA expects the RO to be objective about the issue of con-conformities. There was much discussion on this issue. It was suggested that RO involvement in PSC training sessions would help.

KP – Again reiterated that MO 52 will give effect to LY3. As it stands the UK produces Annex V. Australia will produce a national annex to LY3. ROs asked to provide feedback on experience with big yachts, or anything the RO would like AMSA to consider in MO 52, please let us know.

### **Item 14 – AOB**

There being no further business, the Meeting closed at 1345.

### **Item 15 – Next meeting**

Agreed next meeting will be in Brisbane, October 2015.

**Attachment 1 – Summary of Action Items**

Item No.	Description	Responsibility	Completed
Item 5	<b>MLC, MO 11 and DMLC for DCV</b>  <b>Action: Issue memo to ROs re. AMSA's policy on the application of MLC Regulation 2.4, Entitlement to Leave</b>	AMSA (PM)	23-10-14
Item 7	<b>Review of Marine Orders (31, 32, 44, 52 and 60)</b>  <b>Action: Circulate draft MO 52 to ROs prior to public consultation.</b>	AMSA (PM)	
Item 7	<b>Review of Marine Orders (31, 32, 44, 52 and 60)</b>  <b>Action: Email to be sent out outlining a deadline for responses to MO 52 and 60 policy papers by COB Friday 24<sup>th</sup> October.</b>	AMSA (PM) /ROs	20-10-14
Item 7	<b>Review of Marine Orders (31, 32, 44, 52 and 60)</b>  <b>Action: AMSA to send out MO 31, specifying a deadline for comment as 24<sup>th</sup> October 2014.</b>	AMSA (PM) /ROs	20-10-14
Item 8	<b>Plan approval</b>  <b>Action: Send a copy of the Viking liferaft servicing approval to ROs.</b>	AMSA (KP)	17-11-14
Item 8	<b>Plan approval</b>  <b>Action: Review the RO Agreement and consider appropriate amendments the ITC to allow ROs to issue MARPOL certification to any Australian vessel.</b>	AMSA (PM/KP)	
Item 10	<b>Certificates / Statements of Compliance</b>  <b>Action: AMSA to review the Record of Equipment Section 5.3 and provide guidance.</b> <b>Action: Separate the MO 31/10 certificate from the Record of Equipment</b>	AMSA (PM/KP)	
Item 12	<b>Vessels engaged in sea trials overseas</b>  <b>Action: AMSA to update ITC for vessels engaged on sea trials overseas.</b>	AMSA (PM/KP)	
Item 13	<b>Questions and RO Issues for AMSA</b>  <b>Action: Send email around proposing to have a meeting with the local RO surveyors to discuss PSC/ISM/FSC</b>	AMSA (RV)	
Item 13	<b>Next Meeting</b>  <b>Action: Advise meeting date closer to the time.</b>	AMSA (PM)	