



Consultation Feedback Report

Marine Order 21 (Safety and emergency arrangements) Amendment Order 2019

Marine Order 21 (Safety and emergency arrangements) Amendment Order 2019 (Amendment Order) amends *Marine Order 21 (Safety and emergency arrangements) 2016* (MO21). The commencement date of the Amendment Order is 1 January 2020.

The Amendment Order addresses the following:

- Gives effect to IMO resolution MSC.421(98), which outlines the detailed procedure of the damage control drill requirements for passenger ships.
- Damage control drills for passenger ships (SOLAS regulation 19-1 of chapter II-1) are included in Master's responsibilities.
- Provides requirements for any seafarer with responsibilities related to damage control drills on passenger ships. A consequential amendment of *Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2016* was also required to exclude the new SOLAS regulation 19-1 of chapter II-1 from the purpose section as it is captured in MO21.

Consultation Feedback

A copy of the draft of this Marine Order was placed on the AMSA website for public comment on 17 September 2019 for a 4 week consultation period. Around 160 stakeholders, including passenger and cargo ship operators, seafarer representative organisations, classification societies, shipping industry peak bodies and various government bodies were invited to comment. There were four submissions received on the draft Marine Order. Generally, the comments requested greater clarity concerning the requirements of passenger vessels in undertaking a damage control drill. Some changes were made to the draft resulting from one submission.

Summary of the all comments received during the public consultation period and AMSA responses are provided in the table below:

Marine Order 21 (Safety and emergency arrangements) Amendment Order 2019

Comment	<p>We note that the objective of <i>Marine Order 21 (Safety and emergency arrangements) Amendment 2019</i> (MO Amendment) is to capture Regulation 19-1. It does not appear that the following two provisions of Regulation 19-1 have been implemented by the MO Amendment:</p> <ul style="list-style-type: none"> • Reg 19-1(2), which requires damage control drills to ‘take place at least every three months’; • Reg 19-1(3), which requires that ‘damage control drill scenarios shall vary each drill so that emergency conditions are simulated for different damage conditions and shall, as far as practicable, be conducted as if there were an actual emergency. <p>It is not clear to us that Regs 19-1(4.5); 19-1(4.6) and 19-1(4.8) are fully implemented by the proposed MO Amendment, or the existing provisions of MO 21. We suggest these be implemented more clearly.</p>
AMSA’s response	<p>AMSA thanks you for your submission and your comments have been noted.</p> <p>We have made amendment in the final draft and included the damage control drill frequency and the other requirements to clearly state all the requirements even though these were covered by section 19(5).</p>
Comment	<p>Please note that we have no specific comments.</p>
AMSA’s response	<p>Thank you for your response. Your comments have been noted.</p>
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AMSA’s response	<p>Thank you for your response. Your comments have been noted.</p>
Comment	<p>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.</p> <p>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.</p>

	<p>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.</p> <p><i>Complex regulatory regime</i></p> <p>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.</p> <p>Recommendation</p> <p>We recommends that AMSA conduct a full review of Marine Order 21, ensuring that:</p> <ul style="list-style-type: none"> • 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.
AMSA’s Response	<p>Thank you for your response. Your comments have been noted.</p> <p>Marine Order 21 applies to a regulated Australian vessel (RAV), a foreign vessel and Division 2 applies to domestic commercial vessel (DCV). Extending the entire application of Marine Order 21 to DCV is outside the scope of the amendment order. These comments may be taken into consideration in future reviews of Marine Order 21.</p>