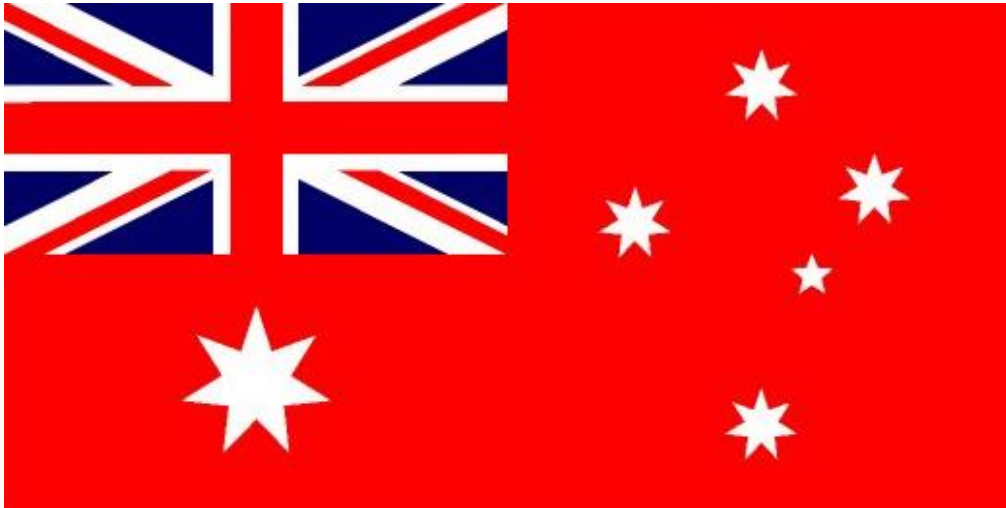


Re-write of the Navigation Act 1912



Submission
of
Australian Institute of Marine and Power
Engineers



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1. EXECUTIVE SUMMARY

The re-writing of the Navigation Act 1912 is long overdue. The Australian Institute of Marine and Power Engineers congratulates the Government for undertaking this task.

This process should not be treated as being isolated from the pending issues of revitalising Australia's shipping industry – as addressed in the House of Representatives Committee Report "Rebuilding Australia's Coastal Shipping Industry". Nor should the re-write process be treated as separate from the significant decisions of the Council of Australian Governments relating to the introduction of a single national maritime jurisdiction.

The lengthy process of drafting and re-drafting, Parliamentary scheduling and promulgation should not proceed until and unless Government has made the necessary decisions to bring about a single national jurisdiction and to provide Australia with a comprehensive national maritime regime. The current legislative regime is becoming a veritable sham due to the extent of the permit system and the lack of mandatory registration and the absence of effective owner licensing.

AIMPE is loathe to make an issue of the title of the new legislation however an accurate title could be the **National Maritime Act**. The suggestion in the Discussion Paper of the title Maritime Safety Act seems to be too narrow a title for an instrument which necessarily will have to deal with a variety of maritime issues including but not limited to safety.

The constitutional foundations for the new legislation should be as broad as possible and can include the trade and commerce power, the external affairs power, the fisheries power, the corporations power and the incidental power. A **broad constitutional basis** for the new laws will assist in ensuring that the new law is not subject to legal challenges which could limit its effectiveness.

Absolutely crucial to the re-writing of the current legislation is a **clear jurisdictional scope** for the new national legislation. The 1912 legislation has been plagued by the lack of clear scope provisions. AIMPE submits that the scope of the new legislation should be that it should cover all commercial vessels operating within Australia's Exclusive Economic Zone [EEZ].

A key feature of the modern legislative approach has been the **explicit statement of objectives** at the beginning of the legislation. AIMPE submits that the new National Maritime legislation should clearly state that the objectives of the legislation include: ensuring **safety** of all commercial vessels in Australia's EEZ; ensuring all offshore **oil and gas** vessels operating in Australia's EEZ operate to the highest safety and environmental standards; upholding the rights of **seafarers** on all commercial vessels in Australia's EEZ; protecting the maritime **environment** in Australia's EEZ; supporting maritime **security** in Australia's EEZ; and the **promotion** of maritime transport as part of Australia's integrated freight system. Fundamental to the new law should be **clear, strong registration**

requirements for all commercial vessels operating in the Australian EEZ. The new law cannot require the registration in Australia of vessels engaged in international trade or in innocent passage through Australian waters, however all other commercial vessels operating within the EEZ should be compelled to register under the Shipping Registration Act [or National Maritime (Vessel Registration) Act].

In addition to the new vessel registration requirements AIMPE submits that the **conditions for licensing** of vessel owners and/or operators need to be clarified. In order to be granted a licence for a vessel to participate in the coastal trade it should be a primary condition that the vessel is an Australian registered vessel. In addition the applicant [the owner or operator] should be able to demonstrate that it is an Australian national [as defined in the Shipping Registration Act 1981]. The licensing concept should also be extended to commercial vessel operation in the offshore oil and gas sector and in all other sectors within the single national maritime jurisdiction.

These two measures [registration and licensing] are complementary and together would ensure that the new legislation would effectively cover the field of all commercial vessels operating in Australian waters – which in turn reflects the COAG decision for a single national maritime jurisdiction. **Exemptions** from the requirements for registration and licensing in emergency circumstances should be limited to a maximum of two occasions per annum for any owner or operator.

Flag State requirements and **Port State** requirements need to be clearly specified and separately identified so that compliance and enforcement procedures are easily understood.

2. STRUCTURE OF MARITIME LAWS

AIMPE is loathe to make an issue of the title of the new legislation however an accurate title could be the National Maritime Act. The suggestion in the Discussion Paper of the title Maritime Safety Act seems to be too narrow a title for an instrument which necessarily will have to deal with a variety of maritime issues including but not limited to safety.

The Discussion Paper identifies 6 existing separate Acts in the current legislative regime. These are the Navigation Act 1912, Lighthouses Act 1911, Protection of the Sea (Prevention of Pollution from Ships) Act 1983, Shipping Registration Act 1981, Australian Maritime Safety Authority Act 1990 and the Levy and Collection legislation [which covers a number of separate Acts]. And there are other Acts which are of relevance at least to some parts of the broad maritime industry – these include the Limitation of Liability for Maritime Claims Act 1989, Seafarers Rehabilitation and Compensation Act 1992 and Occupational Health and Safety (Maritime Industry) Act 1993. So the legislative regime is already diverse if not to say complex.

One approach to this apparent confusion could be to enact a series of Acts with unifying titles for example:

- National Maritime (Safety) Act
- National Maritime (Vessel Registration) Act
- National Maritime (Environment Protection) Act
- National Maritime (Operator Licensing) Act
- National Maritime (Seafarers) Act
- National Maritime (Foreign Vessels) Act
- National Maritime (Levies) Act

And possibly also

- National Maritime (Offshore Oil and Gas Vessels) Act

Such an approach would enable persons with interests in particular aspects of the maritime legislation to use only the relevant instrument. However there is a downside to multiple different Acts. The person who accesses one instrument may not be aware of or may overlook one of the other related instruments.

In the suggested arrangement the (Safety) Act could contain all of the vessel safety provisions of the current Navigation Act thereby ensuring compliance with the SOLAS

Convention. This includes life-saving equipment, communication and navigation equipment, hull, machinery and other equipment, loadlines, seaworthiness and watertight integrity. The (Safety) Act should also ensure compliance with the COLREGS. It could also cover lighthouses and navigational aids.

The (Vessel Registration) Act would be based on the current Shipping Registration Act however it should be amended to require that vessels spending more than 30 days operating in Australia must be registered in Australia [that is they must de-register from their previous registry]. This law could also incorporate a new Division for an Australian Second Register for international trading ships. There should be explicit provisions for de-registration of vessels contained within this legislation too.

The (Environment Protection) Act could contain all of the anti-pollution requirements covering oil, chemicals, plastics, sewage and garbage. This would ensure MARPOL compliance. This Act could be used to give greater authority to the National Plan to Combat Pollution of the Sea by Oil and other Noxious and Hazardous Substances. In addition this Act could be the location of the Ballast water provisions. Finally the salvage and wrecks provisions could be placed in this legislation as these circumstances generally represent a threat to the marine environment.

The (Operator Licensing) Act should cover licensing of operators in each of the various sectors of the maritime industry. The coastal shipping sector has been of particular interest to AIMPE and we see the re-write as the clear opportunity to restore Australian legal sovereignty by requiring applicants to operate Australian registered vessels. However this should not be a concept limited to coastal shipping. The Offshore Oil and Gas sector has seen an explosion in vessel operations and the majority of these vessels are foreign registered and as such see themselves as subject to their flag state's jurisdiction – not Australia's. There has also emerged a trend for Australian fishing vessels to register under foreign flags. A visit to Port Lincoln in South Australia will reveal tuna vessels registered under Flags of Convenience. Under the single national maritime jurisdiction all commercial fishing vessels will presumably need to be covered by the new legislation. The operators should hold a licence to operate the vessel separate from their fishing quota. The operators of tourism vessels should also be required to be licensed under the national jurisdiction.

The (Seafarers) Act would deal with a number of elements of the existing regime. It would deal with seafarers' qualifications which are identified in the STCW convention as Certificates of Competency. It would need to continue to address many of the matters covered by Part II of the Navigation Act including discharge of seafarers, discipline, provisions health and accommodation. It would also deal with elements of the ILO Maritime Labour Convention not able to be addressed elsewhere – at least in relation to Australian seafarers. However AIMPE does not submit that it would cover the matters dealt with by the current compensation and occupational health and safety laws.

The (Foreign Vessels) Act would deal with Port State Control matters – that is Australia’s international Convention responsibilities to ensure that the global shipping industry meets agreed minimum operating standards and conditions. As an alternative the title of this particular element of the package of maritime laws could be titled the International Maritime Act to differentiate it from the legislation applying to the domestic fleet. This legislation would embody all of the elements required to give effect to Australia’s commitment to implement the Maritime Labour Convention 2006.

The (Levies) Act is required to be separate because of the Constitutional provisions that stipulate that all taxation measures must be contained in stand-alone legislation.

In the United States of America the array of maritime laws is so great that the Maritime Administration periodically publishes a compilation of maritime laws so that practitioners can keep across all the current laws in one volume. The compilation is a compendium of extracts from the US Code which provides references to all of the individual instruments which impact on the US maritime industry. Australia does not have a stand-alone agency to promote and administer the maritime industry but perhaps the Department could be resourced by Government to carry out a similar task in Australia.

3. CONSTITUTIONAL BASIS

The constitutional foundations for the new legislation should be as broad as possible and can include the trade and commerce power, the external affairs power, the corporations power and the incidental power. A **broad constitutional basis** for the new laws will assist in ensuring that the new law is not subject to legal challenges which could limit its effectiveness.

Relevant provisions of the Australian Constitution include the following:

51. *The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:*

(i.) Trade and commerce with other countries, and among the States:

.....

(vii.) Lighthouses, lightships, beacons and buoys:

.....

(x.) Fisheries in Australian waters beyond territorial limits:

.....

(xx.) Foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth:

.....

(xxix.) External Affairs:

.....

(xxxix.) Matters incidental to the execution of any power vested by this Constitution in the Parliament or in either House thereof, or in the Government of the Commonwealth, or in the Federal Judicature, or in any department or officer of the Commonwealth.

98. *The power of the Parliament to make laws with respect to trade and commerce extends to navigation and shipping, and to railways the property of any State.*

Given the array of International Conventions relating to the maritime industry which Australia has ratified, the external affairs power may well be the most significant of the constitutional powers of the Australian Parliament to be considered in re-writing the Navigation Act. These include the Safety of Life at Sea [SOLAS], Prevention of Pollution of the Sea by Oil [MARPOL], Preventing Collisions at Sea [COLREGS], Standards of Training Certification and Watchkeeping [STCW] and the Convention on Load Lines. It should be noted however that many of the major international conventions in the maritime area do not apply to vessels which operate in inshore waters. Therefore it would be unwise to rely solely on the external affairs power.

The trade and commerce power, even with the extra power provided in s.98, is also limited in that it applies only to inter-state and international operations. Neither the external affairs power nor the trade and commerce navigation powers provide sufficient grounds for a law



which effectively covers the field as is intended by COAG for the single national maritime jurisdiction.

The High Court has held in a number of cases that the corporations power can be used in a far more extensive fashion than had been imagined in the 20th century. Given that the Council of Australian Governments has decided that the single national jurisdiction should cover all commercial vessels in Australia and that most commercial vessels are owned and operated by corporations it would appear that corporations based provisions would be soundly based and could not be subject to legal challenge. This would be almost 100% of the trading fleet and 100% of the offshore oil and gas fleet. There may be sections of the fishing and tourism fleets which are owned and operated by sole traders, partnerships and the like which do not come within the definition of corporations however this is a relatively minor percentage of the overall industry.

The Offshore Constitutional Settlement of 1979 has effectively been amended by the COAG decision for a single national maritime jurisdiction. This will be implemented when the National Maritime legislation is enacted. That is, the agreement that the State and Territory Governments control maritime matters from the low water mark out to 3 miles will be amended – at least in respect to commercial maritime matters. AIMPE understands that the COAG decision does not extend to recreational boating or non-commercial maritime activities.

4. JURISDICTIONAL SCOPE

Absolutely crucial to the re-writing of the current legislation is a **clear jurisdictional scope** for the new national legislation. The 1912 legislation has been plagued by the lack of clear scope provisions. AIMPE submits that the scope of the new legislation should be that it should cover all commercial vessels operating within Australia's Exclusive Economic Zone [EEZ]. To be clear this would include all coastal trading vessels, all offshore oil and gas vessels, all tourist vessels and all fishing/aquaculture vessels – as well as any other vessels which may operate within the EEZ. Vessels which are contracted to the Australian Government or a state or Territory Government should also be covered by the new National Maritime legislation. These vessels must also comply with safety standards.

The requirement for voyaging between inter-State ports must be eliminated and all of the complications which have been generated by that voyage based jurisdiction of the 1912 legislation need to be swept aside. In order to avoid any possible uncertainty, the jurisdiction should also extend to all commercial vessels which may be berthed at any public or private wharf within Australia's EEZ. This would include vessels loading and discharging cargo or embarking or disembarking passengers. The legislation should also apply to vessels that are either at anchor or at a berth but are temporarily laid up. Vessels undergoing dry-docking should also be covered by the National Maritime legislation.

To repeat the scope of the application of the new National Maritime legislation should not be based on a limited class of ships which undertake one particular form of operation [i.e. voyaging between inter-State ports]. The scope of the application of the new National Maritime legislation should cover all vessels within Australia's EEZ whilst they are operating and before and after active operations too.

The range of commercial vessels that operate in Australia's EEZ is extremely wide. Trading ships come in all shapes and sizes including container ships, dry-bulk carriers [geared or gearless], ro-ro ships, tankers [crude oil, petroleum, gas and chemical], break bulk and heavy lift. Offshore Oil and Gas vessels are also highly diverse including seismic vessels, chase boats, supply boats, support vessels, drill ships, semi-submersibles, pipe-layers and rockdumpers. Fishing and tourism vessels likewise are diverse in size, structure and purpose. Various types of research vessels also operate within Australia's EEZ too although they do not fit neatly into the other major categories of commercial vessels. Generally they operate under contract to the Federal or State Government or one of their agencies. All of these vessels need to be within the coverage of the new National Maritime legislation if for no other reason than that there will be no alternative regime for ensuring the safety of the vessels and the persons on board.

A particular area of concern for AIMPE has been in the interaction of the maritime legislation with the oil and gas legislation. The disapplication of the Navigation Act from particular classes of vessels when they are attached to the seabed as part of the hydro-carbon extraction process has had major unintended consequences. Vessels like drill-ships, semi-submersibles, oil processing ships [including Floating Storage and Offloading vessels and Floating Processing Storage and Offload vessels] are all captured by this legislative fiction. A vessel remains a vessel even when it is performing oil and gas extraction functions. The vessel must maintain its compliance with IMO Conventions throughout these periods of oil and gas extraction work – even when these functions extend for the greater part of the year. The disapplication provisions in the Offshore Petroleum Act 2006 must be repealed. The new National Maritime legislation must be broad enough to ensure that these vessels remain within its scope whilst at the same time providing that the oil and gas functions are dealt with by the appropriate [hydrocarbon] regulator.

5. OBJECTIVES

A key feature of the modern legislative approach has been the **explicit statement of objectives** at the beginning of the legislation. AIMPE submits that the new National Maritime legislation should clearly state that the objectives of the legislation include: ensuring safe operation of all commercial vessels in Australia's EEZ; upholding the rights of seafarers on all commercial vessels in Australia's EEZ; protecting the maritime environment in Australia's EEZ; supporting maritime security in Australia's EEZ; and promoting maritime transport as part of Australia's integrated freight system.

Safe operation of commercial vessels in our EEZ is absolutely fundamental to the maritime industry. In the early 1990s a disturbingly large number of large bulk ships carrying Australian exports were breaking up at sea and disappearing beneath the waves with major loss of life. This situation can never be allowed to occur again. A strong vessel safety focus is absolutely essential if Australia is to effectively discharge its moral responsibility to our citizens and to the rest of the world to ensure safe vessel operations in our waters. The Safety of Life at Sea Convention [SOLAS] lies at the heart of this obligation but strong and effective enforcement of these provisions is essential to deliver the practical result of high safety outcomes. If the Federal Parliament is serious about safe operation of commercial vessels it should state that this is an objective of the legislation so that there can be no doubt about the legislative intention.

One of the most striking features of the Australian maritime industry has been the massive expansion of operations in the offshore oil and gas sector. Commencing with the Bass Strait developments 40 years ago and the North West Shelf project over 20 years ago, the industry is now in a new and massive growth phase. Projects like Gorgon, Pluto, Greater Sunrise and dozens of others are underway or at advanced planning stage.

Whilst much of the visible investment is in onshore processing plants or in fixed installations, the offshore oil and gas sector is critically dependent on a large and increasing fleet of vessels. At all stages from exploration through to construction, development, operation and decommissioning a variety of maritime vessels are required to make it all happen. The Montara West Atlas blow-out in the Timor Sea in 2009 showed that these operations can be dangerous and can have major environmental consequences. In that case the operator was a subsidiary of the Thai government. This meant there was virtually no chance that the operator would be unable to meet its obligations to rectify the consequences of the accident. And it happened on a fixed installation so it was outside of the scope of any commercial vessel legislation. The incident demonstrated the potential consequences of accidents in the offshore oil and gas sector. New national maritime legislation must be broad enough to ensure all offshore oil and gas vessels operating in

Australia's EEZ operate to the highest safety and environmental standards. If necessary a separate stand alone Act could be required to achieve this objective.

Upholding the rights of seafarers can be dated back to the 1920s when the first of many Conventions were adopted by the International Labour Organisation – the tripartite body established under the auspices of the League of Nations [predecessor to the United Nations]. These Conventions were intended to protect seafarers from exploitation away from their home countries. The protections included limitations on underage persons being engaged, prohibition on shipowners leaving seafarers stranded in foreign ports, provisions ensuring payment of minimum wages, controls on exploitative methods of engagement, minimum standards of accommodation and food on board ships and many more. The breadth of the subject matter of these many Conventions reflects the unusual nature of the shipping industry as both workplace and [temporary] home for seafarers and also the persistent nature of the exploitation. Whilst there have been major strides made in improving the lot of seafarers, capital in the shipping industry remains inherently mobile and some shipowners continue to pursue the country of registration that provides the most lax enforcement of standards.

The Maritime Labour Convention 2005 represents a concerted effort by the nations of the ILO to both rationalise the multitude of Conventions and for the first time provide a comprehensive enforcement regime for seafarers' rights. Australia has committed to adopting and implementing this convention. In order to provide the necessary foundations for ratification, Australia must ensure our own compliance with the international standards. That task is separate and distinct from the more universal objective of improving the lot of international seafarers.

By way of a comparison with one of our closest allies [in terms of economic, strategic, defence and political links], the USA makes it very clear what its objectives are in its maritime legislation:

**MERCHANT MARINE GENERAL
CHAPTER 501—POLICY, STUDIES, AND REPORTS.**

46 U.S.C. 50101 (2007). Objectives and policy.

(a) Objectives. It is necessary for the national defense and the development of the domestic and foreign commerce of the United States that the United States have a merchant marine--

- (1) sufficient to carry the waterborne domestic commerce and a substantial part of the waterborne export and import foreign commerce of the United States and to provide shipping service essential for maintaining the flow of the waterborne domestic and foreign commerce at all times;
- (2) capable of serving as a naval and military auxiliary in time of war or national emergency;
- (3) owned and operated as vessels of the United States by citizens of the United States;

(4) composed of the best-equipped, safest, and most suitable types of vessels and manned with a trained and efficient citizen personnel; and
(5) supplemented by efficient facilities for building and repairing vessels.

(b) Policy. It is the policy of the United States to encourage and aid the development and maintenance of a merchant marine satisfying the objectives described in subsection (a).

*Extract from **Compilation of Maritime Laws**, US Maritime Administration, Washington, 2008*

Australia has not had the same strong, bipartisan Parliamentary support for cabotage as exists in the United States however the example of setting out clear objectives and policy in black and white provides all parties with certainty.

6. REGISTRATION OF ALL COMMERCIAL VESSELS IN EEZ

Fundamental to the new legislation should be **clear, strong registration requirements** for all commercial vessels operating in the Australian EEZ. The new law cannot require the registration in Australia of foreign vessels engaged in international trade or in innocent passage through Australian waters, however all other commercial vessels operating within the EEZ should be compelled to register under the Shipping Registration Act [or National Maritime (Vessel Registration) Act?].

This means that any vessel entering into Australia's EEZ in order to conduct commercial operations should be required to register under our legislation. There may be some minimum time period such as a 30 day requirement, however prima facie all vessels operating in Australia's EEZ must be registered in Australia if we wish to effectively enforce our national maritime jurisdiction.

Without a strong, clear registration requirement commercial vessels will continue the trend of recent years to register in other countries. A strong, clear registration requirement means that Australia can be confident that all commercial vessels operating within the EEZ will be covered by the provisions of the Australian legislation and that it will be enforceable in Australia.

The demonstration of the application of the Australian jurisdiction to the vessel is the flying of the Australian Red Ensign. The Australian Red Ensign is the official flag of the Australian Merchant Marine as adopted by the Flags Act 1953. The Shipping Registration Act 1981 specifies the Australian Red Ensign as the flag of Australian registered vessels. The National Maritime legislation will see the revival of the Australian Red Ensign if mandatory registration is adopted.

There are many thousands of vessels currently registered on the Australian Shipping Register. What is not well known is that the vast majority of vessels registered on the Australian Register are private yachts. The next biggest category is fishing vessels. Only a very small proportion of the vessels on the Australian Register are trading ships in the traditional sense. In fact given the nature of the COAG decision it would probably make sense to rename the register the Commercial Vessels Register and perhaps if felt necessary establish a separate non-commercial register.

The concept of registration of a vessel under the flag of another country is intended to and is recognised as bringing the vessel under the legal authority of the country of registration. It is a mechanism which allows a vessel owner or operator to adopt the legislative jurisdiction of its choosing. This has developed worldwide over the last 60 years as a device to enable ship owners and operators to avoid regulatory scrutiny and also to effectively evade payment of taxation. It is equivalent to an opting out mechanism.

When a vessel is trading between two or more countries there is some logic and indeed even a necessity for there to be a capacity to select the country or flag of registration. There is a practical need for the identification of the legal jurisdiction to apply to the vessel and the people on the vessel and the cargo interests. Opting in or out is an appropriate mechanism to resolve any legal doubts. It is an abuse however when a vessel trading exclusively between countries say within the European Union to register in Panama or Vanuatu. It is a far worse abuse however when the owner or operator of a vessel which is trading exclusively or primarily within a single national jurisdiction is permitted by the legal arrangements to register the vessel in another jurisdiction. This would be the same as New South Wales allowing motor vehicles [cars, buses, trucks] to be registered in an overseas jurisdiction. The revenue attaching to the registration goes to that other jurisdiction but perhaps more significantly the inspection standards are monitored and enforced by that foreign jurisdiction. This would be unacceptable in relation to motor vehicles. It should no longer be tolerated in relation to commercial vessels.

The process of opting out may be tolerable if a small proportion of a large group engage in the opting out. What has happened in Australia in recent years is that an increasing proportion of the trading ships and the offshore oil and gas vessels have opted out of Australian registration. Now a large proportion of the vessels licensed under the Navigation Act to participate in the Coasting Trade are flying a foreign flag. See Appendix 1. A majority of the vessels which are operating in the Offshore Oil and Gas sector and within Australia's EEZ are foreign flag. See Appendix 2.

Australia's reputation as a significant maritime nation cannot be enhanced by this trend for our trading vessels and offshore oil and gas vessels to 'flag out'. Our standing within the International Maritime Organisation has at least in part been based on our ability to uphold high standards of safety regulation under our national flag. When such a significant proportion of the vessels regularly operating in Australia's EEZ are foreign flag Australia's status as a flag state administration is diminished.

The legal consequence of the opting out of so many vessels is that Australia concedes jurisdiction to the various foreign flag states which the operators have chosen. Australia's maritime regulatory role in relation to all of these vessels is reduced to that of Port State Control inspections. This means that in many cases only minimum international convention standards can be applied.

Mandatory registration of vessels operating within Australia's EEZ is the only viable mechanism for avoiding the conflict of laws potential between Australian law and the laws of the country of the flag of registry. Vessels which are allowed to operate exclusively and routinely in Australia's EEZ must accept the application of all relevant Australian laws. Mandatory vessel registration makes this possible. Registration is a necessary [but not a sufficient] component of a successful maritime regulatory regime.

7. LICENCE REQUIREMENT FOR OPERATORS

In addition to the new vessel registration requirements AIMPE submits that the **conditions for licensing** of vessel owners and/or operators need to be clarified. In order to be granted a licence for a vessel to operate within the Australian EEZ it should be a primary condition that the vessel is an Australian registered vessel. The second key requirement should be that the applicant [the owner or operator] should be able to demonstrate that it is an Australian national [as defined in the Shipping Registration Act 1981].

The current provisions of Part VI, The coasting trade, relating to the issue of licences to participate in inter-State trading are extremely loose. The requirements and obligations of the licensee under s.288 are minimal – to pay Australian minimum wages to the crew and to provide access to a library where it exists. There should be a fundamental change to this legislative laxness.

The cornerstone of the issuance of any operating licence should be that the vessel to be operated must be registered in the jurisdiction. Without such a mandatory provision there will always be doubt and argument about the application of the appropriate laws. The registration issue has been dealt with already however it is imperative that there is a concomitant obligation for the licensee to be obliged to exercise the licence only by the utilisation of a registered vessel.

An analogy exists again with land transport. On the roads, vehicle registration is clearly focused on the standards of the vehicle – both in terms of design features (Third Edition Australian Design Rules) and in terms of ongoing maintenance of all safety related aspects of the vehicle. Vehicle inspections are required (at authorised Inspection Stations) at regular intervals depending on the age of the vehicle. Separately and in addition the owner of the vehicle must carry a current compulsory third party insurance policy. The device of compulsory third party insurance achieves the objective that all other road users within the jurisdiction have a minimum level of protection from damage. There are separate offences of driving a vehicle that is unroadworthy (e.g. bald tyres or headlights not working) and driving an uninsured vehicle and of driving an unregistered vehicle. However there is also a requirement that any vehicle registered in another State or Territory must be transferred to the State or Territory in which it is garaged. In addition only an authorised operator can register a vehicle (if not the owner) and proof of identity is required to ensure that no unauthorised operator is permitted to register a vehicle.

There is of course the Federal Interstate Registration System – which is only available to heavy vehicles which solely operate in interstate operations. However this system retains the mandatory requirements of vehicle inspection and compulsory third party insurance.

It should be stated however that the requirement for a valid Driver's licence for a motor vehicle driver is more analogous to the requirement for valid seagoing officers' Certificates of Competency.

The licensing concept under the National Maritime legislation could be clarified by the introduction of a number of categories of commercial vessel operator licences: coastal shipping licence, offshore oil and gas licence, fishing licence and tourism licence are the four major categories of commercial operations which would be required. In each category it would be necessary to establish regulations to set down the specific requirements that are particular to each sector.

Each of the operator licences would be issued conditional on compliance with all relevant statutory requirements and this would be the mechanism to ensure that Australia delivers on its IMO and ILO Convention obligations. Failure by the operator to comply would result in sanctions for the operator including withdrawal of the licence or the imposition of other penalties. As with all decisions by public administrative bodies, these decisions would be reviewable in the Administrative Appeals Tribunal.

It may be that if the Government is convinced to enact a separate National Maritime (Offshore Oil and Gas Vessels) Act then the licensing obligations and conditions could be contained in such a distinct Act. This could allow for the need to address the interaction of oil and gas industry vessels with the fixed installations that are covered by the Oil and Gas safety regime. AIMPE notes that the Montara West Atlas Inquiry Report is yet to be released. Once the Report is released and the Government response to the Inquiry is known it may be possible to identify the appropriate approach to the regulation of the commercial vessels which are so vital to the offshore oil and gas sector.

One feature of vessel operations in the offshore oil and gas sector is that some operators utilise some specialist vessels for a very short period of time. These vessels are sometimes in Australian waters for only a few weeks and then are redeployed to another project somewhere else on the globe. This will provide a difficulty for regulators however it may be that the operators could be required to obtain a short term operator licence which dispenses with the vessel registration requirement. However the licence would need to stipulate that the operator is bound by Australian law in all other respects. The limit on this arrangement should be 30 days to maintain alignment with the trading vessels arrangements.

The area of fishing vessel operator licences would need to be handled with some care between the States and Territories and the Commonwealth as there are already fishing boat licensing schemes in place in each jurisdiction. This could be a matter of phased transition from the State and Territory regimes to the Commonwealth scheme. Of course the existing operational responsibilities are shared between the Australian Fisheries Management Authority and the State and Territory bodies. The AFMA is responsible for all fisheries in

Australian waters beyond the 3 mile limit from the State and Territory low water marks. Australia has not ratified the STCW F 1995 Convention however if this was to occur then compliance with the requirements of that specific convention could be ensured by making compliance a condition of the granting and holding of the fishing vessel operator licence.

8. LIMITED EXEMPTIONS

The dealt with above two measures [vessel registration and owner/operator licensing] are complementary and together would ensure that the new legislation would effectively cover the field of all commercial vessels operating in Australian waters – which in turn reflects the COAG decision for a single national maritime jurisdiction. **Exemptions** from the requirements for registration and licensing in emergency circumstances should be limited to a maximum of two occasions per annum for any owner or operator.

The current regime of permits under s.286 and the Ministerial Guidelines has been misused and abused. In the AIMPE submission to the House of Representatives Infrastructure and Transport Committee Inquiry into Australia’s Coastal Shipping the nature and extent of the abuse was identified. One stark example of the abuse has been through the ‘re-flagging rort’ where a growing number of Australian vessels have been withdrawn from service, crews made redundant and the vessel then re-flagged and a foreign crew engaged. The operator of the now foreign flag, foreign crew vessel then applies for a permit on the grounds that no Australian ship is available. This becomes the operating model and multiple permits are applied for and granted every year.

According to the Bureau of Infrastructure, Transport & Regional Economics, 3,186 coastal voyages were undertaken during 2007-08 under either Single Voyage Permits [SVPs] or Continuing Voyage Permits [CVPs]. These vessels carried over 25% of the total coastal cargoes carried during that financial year. In Queensland a similar State system known as Restricted Use Flags [RUFs] allows foreign flag, foreign crew vessels to trade intra-State. AIMPE estimates that at least another 10% of Australia’s total coastal cargoes was carried in ships under the RUF system. That is, over 6 million tonnes of cargo was carried under RUFs in Queensland in 2007-08.

Under the single national maritime jurisdiction, AIMPE assumes that the Queensland RUF system would be subsumed within national arrangements. However this just accentuates the size of the issue and the need for it to be dealt with by the new national maritime legislation. If almost 40% of Australia’s coastal cargoes are being carried by foreign flag vessels under SVPs, CVPs or RUFs then the current licensing system must clearly be viewed as having failed.

AIMPE submits that the permit or exemption provisions of the new national maritime legislation should be limited in both number and duration. The current practice of some operators obtaining 20, 30, 40 and more permits for one vessel in a dedicated trade clearly demonstrates that the trade is not capable of being categorised as an “infant” industry. This is not a situation where there is uncertainty about whether there are sufficient cargoes to justify acquiring a vessel to operate in the trade. These are not intermittent trades where there is insufficient cargo to justify a dedicated vessel in the trade. These are examples of practices being adopted by cargo interests to reduce their coastal shipping costs. This is

achieved because the operator does not have to pay Australian corporate taxes – of around \$2 million dollars per annum. It is also achieved by accessing foreign vessels operated by foreign crews at lower rates of pay and conditions than Australian workers exercising their rights under Australian industrial laws.

Aggregate statistics issued by the BITRE indicate that over half of the iron ore carried on the Australian coast is carried by vessels under permits. RUF data indicates that over half of the bauxite carried on the Queensland coast is carried in foreign flag vessels. Over half of the cement that moves around the Australian coast is carried in ships using permits. The oil industry moves over 25% of its coastal cargoes around Australia in permit vessels. These four industries together account for a significant proportion of the use or abuse of the permit system. The permit system is being used by these industries with the compliance of Government to gain a tax break and to avoid the Australian industrial relations laws. It is time for the Australian Parliament to put an end to these avoidance arrangements and restore the application of normal Australian law to the coastal shipping industry.

To do this the provisions of s.286 must be repealed. As a transition measure they should be replaced with a regime whereby as a condition of being granted a temporary exemption from the full extent of the national maritime law [and consequently the laws of the land] the applicant [owner or operator of the vessel] will need to commit to the introduction of Australian registered vessel or vessels within 6 months. Failure to make such a commitment should lead to refusal to issue the temporary exemption. No vessel operator or owner should be granted more than one temporary exemption for any particular vessel or trade.

9. FLAG STATE REQUIREMENTS

The term Flag State in the maritime industry refers to the country where a vessel is registered. Flag State requirements therefore are the particular requirements of the country where a vessel is registered. Flag State requirements are no less than and sometimes higher in some respects than the IMO minimum standards.

In Australia's case for instance Marine Orders Part 12 Subdivision and stability, machinery and electrical installations contains a range of physical requirements of vessel construction and machinery which are superior to the IMO minimum standard. These include provisions relating to watertight doors, bilge pumping arrangements, tank sounding arrangements, emergency power and alarm systems among other things. Another example can be found in Marine Orders Part 25 Equipment – Life-saving. MO25 sets down higher standards than are found in the IMO SOLAS Convention in relation to: first aid kits; servicing of EPIRBs; additional life-jackets; and other additional equipment for lifeboats.

A further example of additional requirements over and above SOLAS minimum standards can be found in Marine Orders Part 15 Construction – fire protection, fire detection and fire extinction. The provisions of MO15 apply a number of fire related Australian Standards to Australian vessels. Yet another example of specific Australian requirements is provided by Marine Orders Part 53. This deals with a range of matters affecting crew including details of crew, discharge certificates, deceased seamen, official log-book, certificates of service and repatriation. MO 53 also provides forms for the recording of births and deaths at sea.

Australia can apply these more onerous provisions only to vessels that are Australian registered vessels. These requirements impose additional costs on the operation of Australian flag vessels than the IMO minimum standards however the Australian Government has thus far adopted the view that such higher standards are appropriate for Australian flag vessels. AIMPE supports the actions of successive Australian governments in adopting higher standards of safety for Australian flag vessels. The new national maritime legislation must explicitly empower the making of safety regulations that are higher than the IMO minimum safety standards.

What is obvious however, is that as the number of Australian flag vessels within the Australian shipping industry declines, the relevance of the Marine Orders which apply those higher standards also declines. The only clear way for Australia to ensure that the higher standards that we seek to ensure for the Australian maritime industry are widely implemented is to adopt the mandatory vessel registration and operator licensing arrangements identified above. Those vessels and operators are then clearly within the Australian jurisdiction and must comply with the Australian safety standards not just the international minima.

10. PORT STATE REQUIREMENTS

The term Port State in the maritime industry refers to the country where a vessel is temporarily visiting. Port State requirements however refers to the requirements of the main IMO Conventions that are widely ratified by the majority of maritime nations. The Port State takes on the role of inspection and enforcement of the IMO and to some extent ILO minimum standards.

Over the last 20 years Port State Control inspections have become more co-ordinated as a result of active international co-operation. Port State Control inspections have also become more targeted so as to focus on specific issues that have been identified as requiring extra attention.

If Australia ratifies the ILO Maritime Labour Convention, 2006 then there will need to be an expansion of the Port State inspection regime. This will need to be provided for in the new national maritime legislation.

However the standards of both the current IMO and ILO Port State inspections and the future regime, if and when the MLC is adopted, are in certain respects below Australian standards. It is therefore sensible to identify the Port State Control standards and procedures separately from the Flag State requirements.

APPENDIX 1

Current Vessel Licences

(Correct as at 19/05/2010 14:00)

Licensed vessels over 2000 gross tonnes

Operating Name	Licence No.	Vessel Name	IMO Number	Flag Year Built	Operating crew	Ship Type
Teekay Shipping (Australia) Pty Ltd	6293	IRON MONARCH	7305502	Australia 1973	Australian	Ro Ro Cargo Ship
Teekay Shipping (Australia) Pty Ltd	6345	PALMERSTON (scheduled to depart August 2010)	8814639	Australia 1990	Australian	Oil Tanker
Teekay Shipping (Australia) Pty Ltd	6346	PIONEER	9111436	Australia 1996	Australian	Bulk Carrier
Teekay Shipping (Australia) Pty Ltd	6348	BASKER SPIRIT	9002386	Bahamas 1992	Australian	Oil Tanker
Perkins Shipping Pty Ltd	6361	Halifax Bay (now Spirit of the Kimberley)	9184689	Australia 1988	Australian	General Dry Cargo
BHPB Freight Pty Ltd	6462	PACIFIC TRIANGLE	9189158	Liberian 2000	Australian	Bulk Carrier
BHPB Freight Pty Ltd	6463	LOWLANDS PROSPERITY	9225005	Belgium 2001	Australian	Bulk Carrier
BHPB Freight	6464	IRON YANDI	9122904	Australia	Australian	Bulk Carrier

Pty Ltd				1996		
TT Line (Spirit of Tasmania)	6466	SPIRIT OF TASMANIA I	9158446	Australia 1998	Australian	Ro Ro Passenger Ship
TT Line (Spirit of Tasmania)	6467	SPIRIT OF TASMANIA II	9158434	Australia 1998	Australian	Ro Ro Passenger Ship
ASP Ship Management	6502	RIVER EMBLEY	8018144	Australia 1983	Australian	Bulk Carrier
ASP Ship Management	6504	ENDEAVOUR RIVER	8019007	Australia 1983	Australian	Bulk Carrier
ASP Ship Management	6505	Lindesay Clark	8407424	Australia 1985	Australian	Bulk Carrier
ASP Ship Management	6506	Portland	8509117	Australia 1988	Australian	General Dry Cargo
ASP Ship Management	6507	RIVER BOYNE	8018132	Australia 1982	Australian	Bulk Carrier
Inco Ships	6533	ACCOLADE II	8012425	Australia 1982	Australian	General Dry Cargo
BP Australia	6552	British Loyalty	9285720	Isle of Man 2004	Australian	Oil Tanker
BP Australia	6553	British Fidelity	9285744	Isle of Man 2004	Australian	Oil Tanker
Jebsens Coastal Shipping Pty Ltd	6567	Vigsnes	7812220	Australia 1979	Australian	Bulk Carrier

Toll Shipping	6571	TASMANIAN ACHIEVER	9180190	Australian 1999	Australian	Ro Ro Cargo Ship
SeaRoad Shipping Pty Ltd	6574	SEAROAD TAMAR	8917429	Australia 1991	Australian	Container Ship
SeaRoad Shipping Pty Ltd	6575	SEAROAD MERSEY	8914831	Australia 1991	Australian	Ro Ro Cargo Ship
Wilhelmsen Ships Service (Newcastle)	6576	HELIX	9134713	Australia 1997	Australian	Oil Tanker
Wilhelmsen Ships Service (Newcastle)	6578	HELCION	9396725	Isle of Man 2008	Australian	Oil Tanker
CSL Australia	6713	CSL PACIFIC	7420716	Bahamas 1977	mixed	Bulk Carrier
CSL Australia	6714	IRON CHIEFTAIN	9047740	Australia 1993	mixed	Bulk Carrier
CSL Australia	6716	CSL Thevenard	7926150	Australia 1981	mixed	Bulk Carrier
CSL Australia	6717	GOLIATH	9036430	Australia 1993	mixed	Bulk Carrier
Teekay Shipping (Australia) Pty Ltd	6785	Alexander Spirit	9326524	Bahamas 2007	Australian	Chemical Tankship (used exclusively for petroleum)
CSL Australia	7115	CSL Atlantic	8103171	Malta 1981	foreign	Bulk Carrier



Perkins Shipping Pty Ltd	7367	Godri Indah	9172946	Malaysia 2009	Australian	General Dry Cargo
Perkins Shipping Pty Ltd	7497	SPIRIT OF THE KIMBERLEY	9184689	Australia 1988	Australian	Container Ship
CSL Australia	7634	CSL Cabo	7117278	Liberia 1971	foreign	Bulk Carrier
Perkins Shipping Pty Ltd	7689	THOR BLUE	8913875	Malta 1992	foreign	Container Ship

NOTE: Toll's 2nd ro-ro Victorian Reliance does not appear on the DITRDLG website list from which this table is sourced.

There is double counting of Perkin's Halifax Bay/Spirit of the Kimberley.

Rio Tinto's UK flag Wakmatha is has a full Australia crew but is not licensed.

Wunma is Australian flag but not licensed

Aburri is Australian flag but not licensed

Licensed vessels under 2000 gross tonnes

Perkins Shipping Pty Ltd	6356	CALEDON BAY	8409238	Australia	Australian	Ro Ro Cargo Ship
Perkins Shipping Pty Ltd	6357	FOURCROY	9190597	Australia	Australian	Ro Ro Cargo Ship
Perkins Shipping Pty Ltd	6358	BIQUELE BAY	9139751	Singapore	Australian	General Dry Cargo
Perkins Shipping Pty Ltd	6359	WARRENDER	9114218	Australia	Australian	General Dry Cargo
Perkins Shipping Pty Ltd	6362	CORAL BAY	8874562	Australia	Australian	Ro Ro Cargo Ship



Southern Shipping	6558	MATTHEW FLINDERS III	8957364	Australia 1995	Australian	Ro Ro Passenger Ship
Southern Shipping	6559	SOUTHERN CONDOR II	857011		Australian	Ro Ro Passenger Ship
LDMarine	7333	Statesman	8975536	Australia 1999	Australian	Ro Ro Cargo Ship
North Star Cruises Australia	6561	TRUE NORTH	9308651	Australia 2005	Australian	Ro Ro Passenger Ship
Coral Princess Cruises (NQ) Pty Ltd	6475	CORAL PRINCESS	8804696	Australia	Australian	Ro Ro Passenger Ship
Coral Princess Cruises (NQ) Pty Ltd	6476	Oceanic Discoverer	9292747	Australia	Australian	Ro Ro Passenger Ship

Licensed vessels non-trading ships

P&O Maritime Services	6577	Southern Supporter	8518364	Australia 1994	Australian	Nav. Aids
P&O Maritime Services	6579	Aurora Australis	8717283	Australia 1990	Australian	Special Purpose Ship

Licensed Vessels no longer operating on the Australian coast

Teekay Shipping (Australia) Pty Ltd	6347	BARRINGTON Withdrawn from service	8716356	Australia	Australian	Oil Tanker
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Inco Ships	6531	ANL BASS TRADER withdrawn from service	9132399	Indonesia 1996	Mixed	Container Ship
SEACORP COASTAL SHIPPING	6557	Kimberley Rose withdraw from service	9210311	Antigua and Barbuda 2000	Australian	Container Ship
ASP Ship Management	6503	FITZROY RIVER withdrawn from service	8019019	Australia	Australian	Bulk Carrier

*Tables based on data available on the Department of Infrastructure website:
www.infrastructure.gov.au/maritime with flag and crewing information inserted by AIMPE
based on external sources.*

APPENDIX 2

OFFSHORE OIL & GAS SECTOR EMPLOYERS, VESSELS AND FLAG 2008-09

Based on the list published by the Seacare Authority in the Annual Report for 2008-09

Employer - Bhagwan Marine Pty Ltd		
Operator	Ship	FLAG / Registry
Bhagwan Marine	Bhagwan-K	WA
Bhagwan Marine	Bhagwan Mover	Australia
Bhagwan Marine	Enrybo-Kae	WA
Bhagwan Marine	Kimberly Escape	Not found
Bhagwan Marine	Lauri J	WA
Bhagwan Marine	Lobo	WA
Bhagwan Marine	Loligo	WA
Bhagwan Marine	Samson Explorer	Australia
Bhagwan Marine	Stenella	WA
Bhagwan Marine	Wauri	Australia
Employer - Farstad Shipping (Indian Pacific) Pty Ltd		
Farstad Shipping	Far Fosna	Norway International Ship Register
Farstad Shipping	Far Grip	Norway International Ship Register
Farstad Shipping	Far Saltire	Isle of Man
Farstad Shipping	Far Scandia	Norway International Ship Register
Farstad Shipping	Far Scimitar	Isle of Man
Farstad Shipping	Far Sky	Isle of Man
Farstad Shipping	Far Sound	Isle of Man
Farstad Shipping	Far Strait	Singapore
Farstad Shipping	Far Stream	Isle of Man
Farstad Shipping	Far Supplier	Isle of Man
Farstad Shipping	Far Sword	Norway International Ship

		Register
Farstad Shipping	Lady Astrid	Norway International Ship Register
Farstad Shipping	Lady Audrey	Norway International Ship Register
Farstad Shipping	Lady Caroline	Norway International Ship Register
Farstad Shipping	Lady Christine ³	Norway International Ship Register
Farstad Shipping	Lady Dawn	
Farstad Shipping	Lady Gerda	Norway International Ship Register
Farstad Shipping	Lady Grace	Isle of Man
Farstad Shipping	Lady Kari Ann	Norway International Ship Register
Farstad Shipping	Lady Melinda	Singapore
Farstad Shipping	Lady Sandra	Singapore
Farstad Shipping	Lady Valisia	Norway International Ship Register
Employer - Gardline Australia Pty Ltd		
Operator	Ship	FLAG
Gardline Australia	ACV Ashmore Guardian	Australia
Gardline Australia	ACV Triton	Australia
Gardline Australia	Oceaneer	
Employer - Go Offshore Pty Ltd		
BOS APS	Bos Atlantic	Norway International Ship Register
CGG Veritas	Geowave Voyager	Liberia
Go Offshore	Ark Sydney [now Go Altair]	Singapore
Go Offshore	Crest Radiant 3	Singapore
Go Offshore	GO 4 IT	
Go Offshore	GO ACAMAR	Belize
Go Offshore	Neptune Trident	Singapore
Go Offshore	Sanco Chaser	Gibraltar
Go Offshore	Toisa Serenade	Bahamas
Go Offshore	Toisa Solitaire	Bahamas
TS Marine	Havila Harmony ⁴	Norway International Ship

		Register
TS Marine	REM Etive	Norway
Employer - Mermaid Marine Australia Ltd		
Mermaid Marine Asia	Crest Diamond ⁵	Singapore
Mermaid Marine Australia	Mermaid Achiever ⁵	Australia
Mermaid Marine Australia	Mermaid Arrow	Australia?
Mermaid Marine Australia	Mermaid Boss	Not found [AMS Boss – Australia]
Mermaid Marine Australia	Mermaid Carver ⁵	Australia
Mermaid Marine Australia	Mermaid Chieftain ⁵	Australia
Mermaid Marine Australia	Mermaid Commando	Australia
Mermaid Marine Australia	Mermaid Eagle ⁵	Australia
Mermaid Marine Australia	Mermaid Endeavour ⁵	Australia
Mermaid Marine Australia	Mermaid Guardian ⁵	Australia
Mermaid Marine Australia	Mermaid Investigator ⁵	Australia
Mermaid Marine Australia	Mermaid Provider ⁵	Australia
Mermaid Marine Australia	Mermaid Raider ⁵	Australia
Mermaid Marine Australia	Mermaid Resource ⁵	Australia
Mermaid Marine Australia	Mermaid Searcher ⁵	Australia
Mermaid Marine Australia	Mermaid Sentinel ⁵	Australia
Mermaid Marine Australia	Mermaid Sound ⁵	Australia
Mermaid Marine Australia	Mermaid Spirit	Australia
Mermaid Marine Australia	Mermaid Storm ⁵	Australia
Mermaid Marine Australia	Mermaid Supplier ⁵	Australia
Mermaid Marine Australia	Mermaid Supporter ⁵	Australia
Mermaid Marine Australia	Mermaid Titan ⁵	Australia
Mermaid Marine Australia	Miclyn Glory ⁵	Singapore
Mermaid Marine Australia	Swissco Sovereign ⁵	Singapore
Mermaid Marine Australia	Posh Star 2	
Employer - Offshore Marine Services Pty Ltd		
Aibel	FPSO Front Puffin	Malta
Britoil	Britoil 61	Singapore
Canyon Offshore	Seacor Canyon	Marshall Islands
CGG Veritas	CGG Duke	Norway International Ship Register

Ensco	Ensco 7500	
Fugro	Geo Atlantic	Norway International Ship Register
Gardline	Ocean Endeavour	United Kingdom
Jan de Nul	Leonardo Da Vinci	Luxemburg
Nor Offshore	Nor Captain	Singapore
Nor Offshore	Nor Sun	Singapore
Nor Offshore	Nor Supporter	Singapore
Offshore Marine Services	7 Seas	Isle of Man
Offshore Marine Services	CGC Symphony	Not found
Offshore Marine Services	Coral	Singapore
Offshore Marine Services	Marsol Hauler	Marshall Islands
Offshore Marine Services	OMS Discovery	Australia
Offshore Marine Services	OMS Endurance	Australia
Offshore Marine Services	OMS Quest	Panama
Offshore Marine Services	OMS Terra Nova	Australia
Offshore Marine Services	OMS Voyager	Australia
Offshore Marine Services	Pearl	Singapore
Offshore Marine Services	Sea Witch	Cyprus
Offshore Marine Services	Toisa Dauntless	Bahamas
Offshore Marine Services	Toisa Defiant	Bahamas
Offshore Marine Services	Tourmaline	Singapore
Offshore Marine Services	Veritas Voyager	Singapore
Saipem	Castoro Otto	Bahamas
Sea Trucks	Jascon 25	Gibraltar
Tananger	Tanux 1	Marshall Islands
Technip	Rockwater 2	Bahamas
Technip	Venturer	Bahamas
TS Marine	Havila Harmony ⁴	Norway International Ship Register
TUCF	Petra Pioneer	Marshall Islands
Western Geco	Geco Searcher	Panama
Western Geco	Geco Triton	Panama
Western Geco	Western Trident	Panama
PTTEP Australasia (Ashmore Cartier)	Challis Venture	Australian

PTTEP Australasia (Ashmore Cartier)	Jabiru Venture	Australian
Employer - Samson Maritime Pty Ltd		
Samson Maritime	Alert	St Vincent and Grenadines
Samson Maritime	Adrenalin Sprint	Not found
Samson Maritime	AMS 23	Not found
Samson Maritime	Cape Mac	Australia
Samson Maritime	Fine Time	WA?
Samson Maritime	Lady Christine ³	Norway International Ship Register
Samson Maritime	Marina Pacific 2	Singapore
Samson Maritime	Miclyn Legend	Singapore
Samson Maritime	Ocean Eagle	Australia
Samson Maritime	Samson 101	Australia
Samson Maritime	Seahorse Quenda	
Samson Maritime	Top Cat	WA?
Samson Maritime	Vigilant	WA?
Employer - Svitzer Offshore Pty Ltd		
Maersk	Maersk Asserter	Isle of Man
Maersk	Maersk Promoter	Denmark
Svitzer Offshore	Karawa	Australia
Svitzer Offshore	Karinya	Australia
Svitzer Offshore	Latrobe	Australia
Svitzer Offshore	Maersk Responder	Denmark
Svitzer Offshore	Osprey	Australia
Svitzer Offshore	Pelsaert	Australia
Svitzer Offshore	Wyola	Australia
Svitzer Offshore/Maersk	Maersk Champion	Denmark
Svitzer Offshore/Maersk	Maersk Server	Isle of Man
Svitzer Offshore/Maersk	Maersk Supporter	Isle of Man
Employer - Swire Pacific Ship Management (Australia) Pty Ltd		
Swire Pacific	Pacific Ariki	Singapore
Swire Pacific	Pacific Battler	Singapore

Swire Pacific	Pacific Buccaneer	Singapore
Swire Pacific	Pacific Challenger	Singapore
Swire Pacific	Pacific Frontier	Not found
Swire Pacific	Pacific Protector	Singapore
Swire Pacific	Pacific Ranger	Singapore
Swire Pacific	Pacific Responder	Singapore
Swire Pacific	Pacific Rover	Singapore
Swire Pacific	Pacific Sword	Singapore
Swire Pacific	Pacific Titan	Singapore
Swire Pacific	Pacific Valkyrie	Singapore
Swire Pacific	Pacific Wrangler	Singapore
Swire Pacific	Pacific Wrestler	Singapore
Employer - Teekay Shipping (Australia) Pty Ltd		
AGR	Basker Spirit	Bahamas
AGR	Crystal Ocean	Cayman Islands
Apache Energy	Dampier Spirit	Bahamas
Apache Energy	Karatha Spirit	Australia
Employer - Tidewater Marine Australia Pty Ltd		
Tidewater Marine	Allison Tide	Vanuatu
Tidewater Marine	Day Tide	Vanuatu
Tidewater Marine	Leonard Tide	Vanuatu
Tidewater Marine	Oil Valour	Belize
Tidewater Marine	OSA Vigilant	Belize
Tidewater Marine	Sam S Allgood	Vanuatu
Tidewater Marine	Sutton Tide	Vanuatu
Tidewater Marine	William E Bright	Vanuatu
Employer - Total Marine Services Pty Ltd		
Acergy	Toisa Proteus	Liberia
Allseas	Audacia	Panama
Allseas	Spliethoff	Not found
Allseas	Togmor	Not found
AMS	Jan de Nul	Not found
BHP Billiton	Griffin Venture ²	Australia
Dalmarine	Dalmarine	Not found



DOF Subsea	Geo Bay	Isle of Man
DOF Subsea	Geo Sea	Singapore
DOF Subsea	Geo Sounder	Panama
EMAS Offshore	Lewek Ebony	Singapore
EMAS Offshore	Lewek Emerald	Malaysia
EMAS Offshore	Lewek Kea	Singapore
EMAS Offshore	Lewek Petrel	Singapore
EMAS Offshore	Lewek Snipe	Singapore
EMAS Offshore	Lewek Swift	Malaysia
EMAS Offshore	Lewek Trogan	Singapore
Four Vanguard Services	Vanguard Four	Cayman Islands
Fugro	Markab	Panama
Gulf Marine	Highland Navigator	Panama
Helix	Helix Express	Not found
Jan De Nul	DN30	
Jan De Nul	DN57	Not found
Lamnalco	Lamnalco Mallard	Cyprus
Lamnalco	Lamnalco Maribo	Kuwait
McDonnell Dowell	PB Snowy	Australia
Mermaid Marine Australia	Crest Diamond ⁵	Singapore
Mermaid Marine Australia	Ena Jade	Not found
Mermaid Marine Australia	Mermaid Achiever ⁵	Australia
Mermaid Marine Australia	Mermaid Carver ⁵	Australia
Mermaid Marine Australia	Mermaid Chieftain ⁵	Australia
Mermaid Marine Australia	Mermaid Eagle ⁵	Australia
Mermaid Marine Australia	Total Endeavour/Mermaid Endeavour ⁵	Australia
Mermaid Marine Australia	Mermaid Guardian ⁵	Australia
Mermaid Marine Australia	Mermaid Investigator ⁵	Australia
Mermaid Marine Australia	Total Provider/Mermaid Provider ⁵	Australia
Mermaid Marine Australia	Mermaid Raider ⁵	Australia
Mermaid Marine Australia	Total Resource/Mermaid Resource ⁵	Australia
Mermaid Marine Australia	Mermaid Searcher ⁵	Australia
Mermaid Marine Australia	Mermaid Sentinel ⁵	Australia
Mermaid Marine Australia	Mermaid Sound ⁵	Australia

Mermaid Marine Australia	Mermaid Storm ⁵	Australia
Mermaid Marine Australia	Mermaid Supplier ⁵	Australia
Mermaid Marine Australia	Mermaid Supporter ⁵	Australia
Mermaid Marine Australia	Mermaid Titan ⁵	Australia
Mermaid Marine Australia	Star 2	Not found
Mermaid Marine Australia	Swissco Sovereign ⁵	Singapore
Mermaid Marine Australia	Swissco Superior	Singapore
Micyln Offshore	Miclyn Glory ⁵	Singapore
Nordic Explorer	Orient Explorer	Panama
PGS	Nordic Explorer	Bahamas
Stena Drilling (Australia)	Stena Clyde	Not found
Tek Ocean	Yarabah	Australia
Total Harbour	Cape Don	Australia
Employer - Woodside Energy Ltd		
Woodside Energy	Cossack Pioneer	Australia
Woodside Energy	Nganhurra Facility	Australia

Sources: Seacare Authority Annual Report 2008-09, Equasis and Australian Register of Ships.

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- 1 Crewing responsibility shared by ASP Ship Management Pty Ltd and TT Line Pty Ltd
 - 2 Crewing responsibility shared by BHP Billiton Ltd and Total Marine Services Pty Ltd
 - 3 Crewing responsibility shared by Farstad Shipping (Indian Pacific) Pty Ltd and Samson Maritime Pty Ltd
 - 4 Crewing responsibility shared by Go Offshore Ltd and Offshore Marine Services Pty Ltd
 - 5 Crewing responsibility shared by Mermaid Marine Australia Ltd and Total Marine Services Pty Ltd
 - 6 Crewing responsibility shared by Sea Corporation Pty Ltd and Total Marine Services Pty Ltd