



Australian Government

North-East Shipping Management Plan

INVITATION TO COMMENT

Australian Maritime Safety Authority August 2013

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Note: This submission has been formatted in an alternate manner due to its size and content.

1. The Draft Plan fails to identify all relevant and potentially significant environmental impacts from shipping activities.

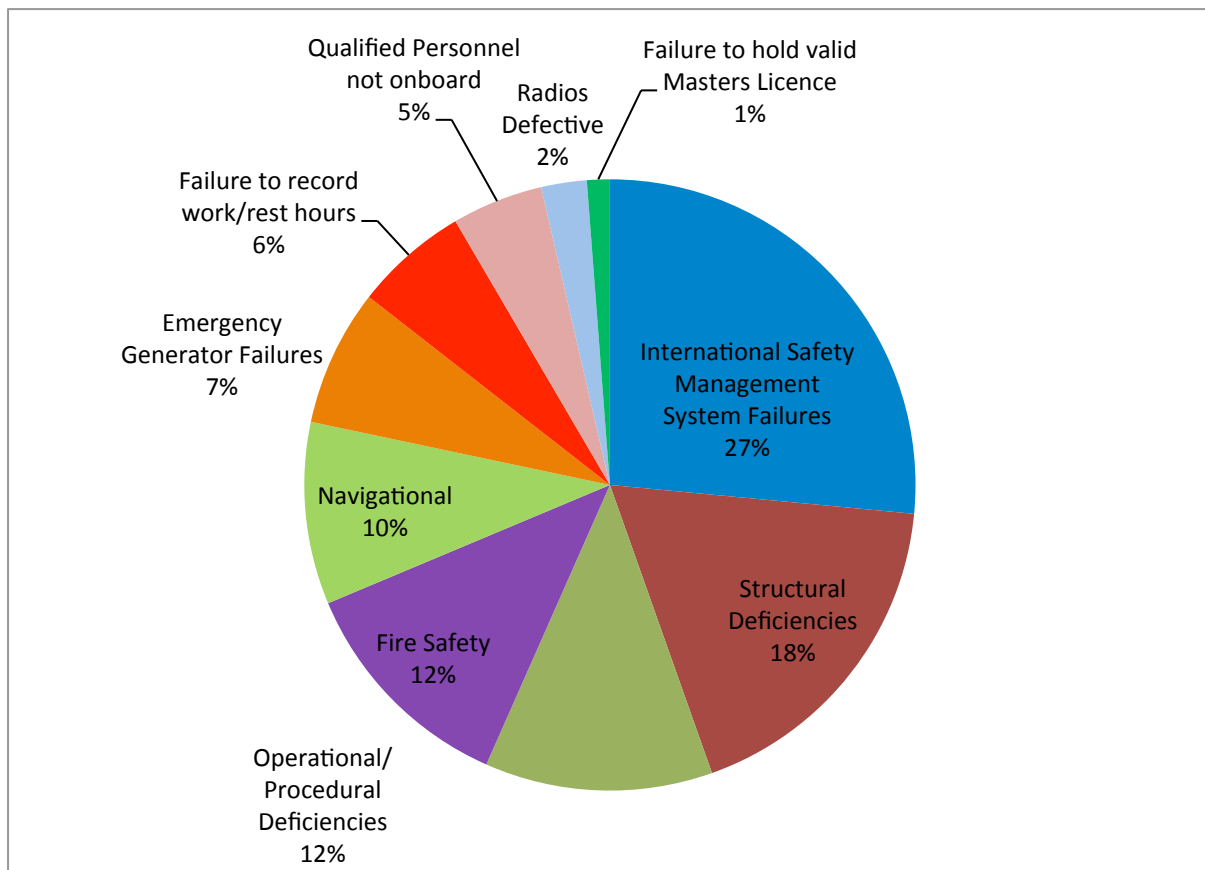
Identified Deficiencies

The Draft Plan in its current form provides no detailed analysis of types of deficiencies found in inspected and detained ships.

In our view, this is important because a detailed analysis of deficiencies resulting in vessel detention allows the identification by stakeholders of specific areas requiring improvement with respect to the safety of international vessels entering Australian waters.

Figure 1 illustrates the leading causes of ship detention in North-East Queensland ports between January 2012 and May 2013.

Figure 1¹



¹ Information displayed in this graph has been obtained from Port State Control – International; *Monthly Ship Detention Lists*. See Australian Maritime Safety Authority Website: <http://www.amsa.gov.au/vessels/ship->

Solution

The Draft Plan to be altered to include a detailed analysis and assessment of deficiencies resulting in vessel detention in order that relevant solutions can be implemented to reduce the level of risk posed by vessels to the Great Barrier Reef World Heritage Area.

Noise Pollution

The Draft Plan is silent on the issue of increased shipping impacts upon the sensitive environment of the Great Barrier Reef and its ecosystem arising from noise pollution.

Sound is extremely important to many marine animals and plays a key role in communication, navigation, orientation, feeding and the detection of predators.²

Unlike other forms of energy, sound is transmitted very efficiently in water and can, especially at low frequencies, travel great distances from its source³, blanketing large areas, and potentially preventing marine animals from hearing their prey or predators, finding their way, or connecting with mates, group members or their young.⁴

According to the Netherlands Institute for the Law of the Sea, shipping is by far the most important source of underwater noise at low frequencies.⁵ Noise created by vessels is normally transient, although on busy sea lanes it can be continuous and become part of ambient noise.⁶

In some areas, underwater background noise levels have doubled every decade for the last several decades, most likely due to commercial shipping.⁷

Anthropogenic noise pollution has been scientifically proven to have negative effects on at least 55 marine species.⁸

The blanketing effect that shipping and sonar noise has on the environment may lead to abnormal marine fauna behaviour causing them to become stranded in

² Scientific synthesis on the impacts of underwater noise on marine and coastal biodiversity and habitats, 2013: see: <http://pre.docdat.com/docs/index-195197.html>. Page 5, Paragraph 3.

³ Acoustic Pollution in the Oceans: The Search for Legal Standards. Netherlands Institute for the law of the Sea, 2000. Page 152, paragraph 2. See: https://awionline.org/sites/default/files/uploads/legacy-uploads/documents/Dotinga_Elferink_2000-1238105855-10147.pdf

⁴ International Ocean Noise Coalition: *The Impact of Ocean Noise Pollution on Marine Biodiversity*, Department of Biology Dalhousie University. Page 1, paragraph 1.

⁵ Acoustic Pollution in the Oceans: The Search for Legal Standards. Netherlands Institute for the law of the Sea, 2000. Page 152, paragraph 2.

⁶ Ibid. Page 153, paragraph 4.

⁷ International Ocean Noise Coalition: *The Impact of Ocean Noise Pollution on Marine Biodiversity*, Department of Biology Dalhousie University Page 2, paragraph 1.

⁸ Scientific synthesis on the impacts of underwater noise on marine and coastal biodiversity and habitats, 2013: see: <http://pre.docdat.com/docs/index-195197.html>. Page 6, paragraph 5.

atypical scenarios.⁹ For example; since 1960, when more powerful sonars emerged, more than 40 mass stranding's of Cuvier's beaked whales have been reported world-wide.¹⁰

Further, it has been documented that the effects of increased sound on marine fauna has led to behavioural changes, physical injury, death and complete avoidance of the affected area.¹¹

Although the study of marine invertebrate sound detection is still limited, based on the information available it is becoming clear that many marine invertebrates are sensitive to sounds and related stimuli.¹²

It is clear that the issue of noise pollution on marine fauna is significant, however, there are still large and substantial gaps in our knowledge of underwater noise and the impacts it has on marine species and populations.¹³

Australia's marine regions are shown in Figure 2.

Figure 2



⁹ Ibid. Page 6, paragraph 6.

¹⁰ International Ocean Noise Coalition: *The Impact of Ocean Noise Pollution on Marine Biodiversity*, Department of Biology Dalhousie University. Page 2, paragraph 5.

¹¹ Scientific synthesis on the impacts of underwater noise on marine and coastal biodiversity and habitats, 2013: see: <http://pre.docdat.com/docs/index-195197.html>. Page 6, paragraph 6.

¹² Ibid. Page 6, paragraph 4.

¹³ Ibid. Page 10, paragraph 2.

In the Commonwealth's Marine Bioregional Plan for the North Marine Region¹⁴, marine noise pollution from increasing shipping activity has been noted as of potential concern.

Solution

The use of a precautionary approach is regarded as the most practical approach when dealing with a situation such as this with insufficient data.¹⁵ Therefore, it is proposed that AMSA acknowledges, in The Draft Plan, that noise pollution due to increased shipping has a damaging effect on the environment. In turn, AMSA should encourage the use of the precautionary principle and the imposition of mitigation measures such as noise blanketing during port expansions. Further, AMSA should include a risk assessment of noise pollution due to shipping and port growth in order to identify a best practice model for the prevention of noise pollution/damaging effects on the marine fauna of the Great Barrier Reef World Heritage Area.

2. The Draft Plan in its current form fails to provide adequate solutions to all issues in relation to shipping management and environmental safety of North-East Queensland.

Damaging Impacts

The Draft Plan (at Chapter 5) lists shipping incidents that may be harmful to the environment. These include:

- Cargo/oil spills from loss of hull integrity
- Disturbance to seabed and supported biodiversity due to hull impact
- Direct contact with anti-fouling paint which hinders regrowth of the coral
- Disturbance to seabed from propellers and anchors
- Emissions exhaust gas, sewage/grey water, biocidal leachate from anti-fouling paint
- Marine pest introduction from ballast water
- Faunal injury/death through ship strike
- Interference with species behaviour
- Altered aesthetic value
- Release of water pollutants (routine/accidental/illegal)¹⁶

However, The Draft Plan fails to provide solutions (at Chapters 9 and 13) to a wide range of these incidents.

¹⁴ Commonwealth of Australia 2012 Marine Bioregional Plan for the North Marine Region. A report prepared under the Environment Protection and Biodiversity Conservation Act 1999 by the Department of Sustainability, Environment, Water, Population and Communities

¹⁵ Ibid. Page 10, paragraph 2

¹⁶ Australian Maritime Safety Authority, *North-East Shipping Management Plan*, August 2013, page 20

Solution

The Draft Plan to be altered to include the implementation of solutions to all shipping impacts that may be significantly harmful to the environment. Proposed solutions include:

- Mandatory ship vetting for ships transiting the Great Barrier Reef World Heritage Area to ensure there is no loss of ship integrity;
- Imposition of mandatory pilotage for all vessels entering North-East Queensland ports and passages in order to avoid disturbance to seabeds from hull impacts, and oil spills.

Mandatory Pilotage

The Draft Plan acknowledges that even with Pilotage in place, the North Inner Route of the Great Barrier Reef (between the Torres Strait and north of Cairns) has been assessed as having the highest risk of powered groundings.¹⁷ Further, the area at highest risk that does not currently have compulsory pilotage in place is the upper middle Inner Route, which extends from Cairns to Townsville.¹⁸

Actions proposed by AMSA allow for the assessment and possible implementation of mandatory pilotage for the upper middle Inner Route by 2020.

The Draft Plan ‘assumes that growing traffic from Abbot Point will enter and exit the GBR via Palm Passage off Townsville’¹⁹ which currently has no mandatory pilotage requirements.

Actions proposed by AMSA in relation to this issue provide only for consideration of implications of voluntary pilotage in the southern area of the GBR²⁰, including the port of Gladstone²¹ off which there has been the serious shipping incident in 2010 of the Shen Neng 1 grounding. We propose that serious shipping incidents, such as the Shen Neng 1 incident, which had a detrimental effect on the sensitive ecosystem of the Great Barrier Reef, should be sufficient grounds for the implementation of mandatory pilotage for the southern area of the GBR.

Solution

We propose for The Draft Plan to be altered to provide that AMSA works together with the relevant agencies (Maritime Safety Queensland, Port State Control, and pilotage providers) to implement mandatory pilotage for all major ports and passages in the Great Barrier Reef Marine Park World Heritage Area that are particularly vulnerable to a large number of high risk ships.

¹⁷ Ibid. Page 48, paragraph 3.

¹⁸ Ibid. Page 48, paragraph 4.

¹⁹ Ibid. Page 48, paragraph 4.

²⁰ Ibid. Page 50, paragraph 3.

²¹ Ibid. Page 49, Figure 10.

Transiting Ships

The Draft Plan is limited in its scope as it provides for ships entering ports, yet is silent on the issue of transiting ships, which pose a greater risk to the sensitive marine area of the Great Barrier Reef and Torres Strait as they go uninspected.

The Draft Plan provides that in 2011-12 there were 5,164 ships entering North-East Queensland ports through the designated shipping passages.²²

In the same period there were 10,879 large commercial movements in North-East Queensland waters, as well as 83,000 private recreational vessels and 485 commercial trawlers.²³

As a result, the risk posed by both port-bound and transiting vessels is considerably higher than the port inspection figures might suggest.

Article 200 of *United Nations Convention on the Law Of the Sea (UNCLOS)* provides that:

“Where there are clear grounds for believing that a vessel navigating in the territorial sea of a State has, during its passage, violated laws and regulations of the State adopted in accordance with UNCLOS or other international rules and standards for the prevention, reduction and control of pollution from vessels, that State, without prejudice, may undertake physical inspection of the vessel in relation to the violation and may, where the evidence so warrants, institute proceedings, including detention of the vessel, in accordance with its laws.”²⁴

UNCLOS provides that the State must reasonably expect the ship’s threat to result in major harmful consequences in order for them to be inspected or detained²⁵.

In ratifying UNCLOS, *The Commonwealth Navigation Act No.128 2012* gives AMSA ‘direction power’ to direct ships that pose a threat to the region, to not enter or use any port or specified ports in Australia or the exclusive economic zone of Australia provided that AMSA is satisfied that the vessel is not constructed, equipped or operated in accordance with the Prevention of Pollution Convention (whether or not the vessel is required to be so constructed, equipped or operated).²⁶

Further, *The Protection of the Sea (Prevention of Pollution from Ships) Act, 1983 (The Pollution Act)* authorises AMSA to detain foreign vessels in the territorial sea and EEZ if suspected of having caused pollution. While this provision appears to be

²² Australian Maritime Safety Authority, *North-East Shipping Management Plan*, August 2013, page 15, Table 1.

²³ Ibid. Page 12, paragraph 3.

²⁴ Article 200(2) United Nations Convention on the Law of the Sea (UNCLOS).

²⁵ Article 200(3),(5) United Nations Convention on the Law of the Sea (UNCLOS).

²⁶ s147 *The Commonwealth Navigation Act No.128 2012*.

contrary to the right of innocent passage, provisions of UNCLOS Part XII validate the legislation and, arguably, causing pollution renders the transit no longer innocent.²⁷

Under s27A of *The Pollution Act* a vessel may only be inspected in the territorial sea or EEZ if there are reasonable grounds for suspecting pollution has already occurred from that vessel. It is our view that AMSA/PSC require additional inspection powers to prevent high risk ships from transiting the Great Barrier Reef World Heritage Area.

These statutory powers allow ships transiting the region to be inspected. However, The Draft Plan does not currently address the assessment of, and inspection of transiting vessels.

Solution

The Draft Plan to be altered to reflect the power of relevant authorities to exercise a protocol in relation to high risk vessels transiting the region. All vessels transiting within the Exclusive Economic Zone that are deemed to be of high risk to the Great Barrier Reef Marine Park World Heritage Area to be subject to boarding and inspection.

3. The Draft Plan fails to account for management of the growth of shipping and its impacts on the Great Barrier Reef Marine Park World Heritage Area.

To adequately manage shipping in North-East Queensland it is proposed that the implications of shipping growth upon the environment must be included.

Growth of Traffic

It has been suggested that Queensland is on the edge of an unprecedented coal boom with the expansion of 'mega mines' proposed to be developed in the Galilee Basin, Central Queensland.²⁸ This would undoubtedly lead to increased shipping traffic departing Queensland ports and travelling through the Great Barrier Reef Marine Park World Heritage Area.

Braemar Seascope²⁹ (commissioned by AMSA) predict an 83% increase in coal exports by 2025 to around 270 million tonnes with a corresponding 58% increase in projected shipping levels.³⁰

²⁷ Rajadurai, Captain Ambrose. (2004). *Regulation of Shipping: The Vital Role of Port State Control*. 18 MLANZ Journal.

²⁸ Greenpeace, *Boom Goes The Reef Report*, March 2012. Page 1, Paragraph 1. See: http://www.greenpeace.org/australia/Global/australia/reports/Boom_goes_the_Reef_Report_4MB.pdf.

²⁹ Braemar Seascope is one of the largest chartering and sale and purchase ship broking companies worldwide.

³⁰ Australian Maritime Safety Authority, *North-East Shipping Management Plan*, August 2013, page 17, paragraph 4.5

The Queensland Resources Council forecasts the total number of vessels calling to Great Barrier Reef ports to be 6,100 by 2022, half of which will be coal and liquefied natural gas (LNG) ships.³¹

The Draft Plan provides a description of the cumulative impact that vessel traffic may have on the environment. However, it fails to provide an action plan or to give policy consideration to measures to prevent this potential damage.

Additionally, the Draft Plan fails to provide any prediction of where the forecast increased shipping traffic is going to occur. Clearly, some routes are better able than others to absorb an increase in shipping traffic. Importantly, the Torres Strait, due to its physical dimensions and heavy usage by local communities, would face greater risks from increases in shipping traffic than other more easily navigable routes.

AMSA has recognised the cultural, social and economic significance of the marine resources in Torres Strait to its indigenous people, and the risks posed to those resources by a spill or collision event.³²

An increase in shipping traffic in the Torres Strait would increase the risk of collision events and the risk of vessels running aground. These increased risks are likely to arise from an increasing number of deep-draught vessels trying to manoeuvre in the same confined stretch of water during the available tide times. AMSA's current risk assessment for the Torres Strait notes that it is not uncommon for two to three deep-draught vessels to be manoeuvring in the same stretch of water to make use of available tide times³³.

Solution

We propose that AMSA include a risk assessment of vessel traffic growth in The Draft Plan and provides an action plan including development of policies aimed at establishing an upper limit of vessel activity and to manage and limit the increased risk of potential damage to the Great Barrier Reef World Heritage Area.

We propose that AMSA include predictions of shipping traffic increases for all north east shipping routes. These predictions should include an action plan for Torres Strait detailing how the increased shipping traffic will be managed and provide recommendations for traffic limits within the Torres Strait.

³¹ Roach, M. Senate Environment and Communications Legislation Committee, May 2013.

³² Australian Maritime Safety Authority, *Submission by the Australian Maritime Safety Authority to the Inquiry into Matters Relating to the Torres Strait Region*, November 2009, Page 5, Paragraph 1.

³³ Authority website: <http://www.amsa.gov.au/environment/legislation-and-prevention/torres-strait-pssa/strait-facts/>

Growth of Ships

The Draft Plan acknowledges that vessel sizes will continue to grow with an increase of approximately 10,000 dead weight tonnes to Capesize vessels with an increased draught of approximately 1 metre³⁴ to a total loaded draught of 19 metres³⁵ by 2025.

These vessels are typically bulk carriers transporting commodities such as grain, coal and minerals.³⁶

The Draft Plan goes no further in addressing the issues that increased vessel size may raise with regard to the Great Barrier Reef World Heritage Area. With coal being the most commonly carried commodity on detained ships in North-East Queensland³⁷, larger ships will be capable of carrying larger quantities of coal and will thus pose a greater risk to the marine environment should an incident occur. It is possible that other vessel types, such as tankers transporting LNG, may also increase in size and pose a similar increased spill risk.

In addition, the extra draught will increase the risk of harm to the sensitive marine environment as previous grounding 'near-misses' may as a result result in actual groundings or disturbance of the seabed.

It is likely that larger vessels will require additional anti-fouling that will release increased levels of copper into the water. The Draft Plan in its current form fails to recognise this issue or provide a solution.

Solution

We propose that AMSA includes the risk assessment of vessel size growth into The Draft Plan and considers a limit on ship size and draught entering the Great Barrier Reef World Heritage Area.

Growth of Ports

With the proposed increase in shipping throughout Queensland ports over the next decade, it is logical that port developments will grow concurrently in order to accommodate the ships. A standard procedure in port development is the dredging

³⁴ Australian Maritime Safety Authority, *North-East Shipping Management Plan*, August 2013, Page 19, Paragraph 2

³⁵ Ibid. Page 19, Paragraph 3

³⁶ Ibid., Page 18, Paragraph 4.6

³⁷ Port State Control – International; *Monthly Ship Detention Lists*. See Australian Maritime Safety Authority Website: <http://www.amsa.gov.au/vessels/ship-safety/port-state-control/ship-detention/>

of harbours and shipping lanes which has many effects on the environment and regular users of the ports. You cannot have a zero impact harbour.³⁸

The Draft Plan acknowledges the need for port expansion to keep up with demand of imports and exports. However, it fails to identify the impacts that port expansion will have upon the sensitive marine environment of the Great Barrier Reef World Heritage Area.

'It is the impacts associated with ongoing dredging, at-sea spoil dumping, increased vessel traffic and anchorages and a much wider range of ongoing impacts which must be factored into the cumulative impact assessment.'³⁹

'It is very clear that there is a need for ports within Australia, as a country with a requirement for net export capacity; however, there are a number of ways in which developments can be done to minimise impact.'⁴⁰

'We need to look at the environmental guidelines which say that dredge spoil should be dumped on land. Using economic reasons and saying that the project is not viable unless we dump it offshore is not a good reason to be allowed to break the rules. The rules from the environmental department say that it is better to dump onshore than offshore.'⁴¹

Proposals have been put forward on the management of environmental effects of port expansions. These proposals include: silt curtains, closed containment systems, and removing top soil to prevent it moving with the tides once disturbed.⁴²

'In the [United] States, when they dredge in some of the harbours where they need to operate, they are very concerned about the noise impacts from the dredging and pile driving, so they set up bubble curtains around those areas to prevent the noise getting out.'⁴³

³⁸ Landos, Dr Matthew. Environment and Communications Legislation Committee, Environment Protection and Biodiversity Conservation Amendment (Great Barrier Reef) Bill 2013, Thursday 23 May, 2013. Page 42, Paragraph 2.

³⁹ Wiseman, Scott. Environment and Communications Legislation Committee, Environment Protection and Biodiversity Conservation Amendment (Great Barrier Reef) Bill 2013, Thursday 23 May, 2013.

⁴⁰ Landos, Dr Matthew. Environment and Communications Legislation Committee, Environment Protection and Biodiversity Conservation Amendment (Great Barrier Reef) Bill 2013, Thursday 23 May, 2013. Page 36, paragraph 4.

⁴¹ Jeremijenko, Dr Andrew. Environment and Communications Legislation Committee, Environment Protection and Biodiversity Conservation Amendment (Great Barrier Reef) Bill 2013, Thursday 23 May, 2013. Page 35, paragraph 3.

⁴² Jeremijenko, Dr Andrew. Environment and Communications Legislation Committee, Environment Protection and Biodiversity Conservation Amendment (Great Barrier Reef) Bill 2013, Thursday 23 May, 2013. Page 34, paragraph 2.

⁴³ Jeremijenko, Dr Andrew. Environment and Communications Legislation Committee, Environment Protection and Biodiversity Conservation Amendment (Great Barrier Reef) Bill 2013, Thursday 23 May, 2013.

Solution

AMSA to take a more integrated approach to vessel safety management and work with shipping operators and port companies to identify the environmental impacts of port expansion in the North-East Queensland region and continue the development of an environmental effects mitigation strategy in line with the best practice models for port expansion, with the objective of ensuring limited potential damage to the Great Barrier Reef World Heritage Area.

- 4. The Draft Plan fails to address the need for regular review of the appropriateness of current targeted inspection of vessels in response to trends in rates of vessel detention relative to inspection. Further, The Draft Plan fails to provide review of the current effectiveness of the Australian Maritime Safety Authority's approach in relation to the identification of high risk vessels.**

Inspection Process

In 2012, AMSA's Port State Control found that 14% of ships were high risk. Of these, 92% were inspected. The Australian Maritime Safety Authority (AMSA) inspects 56% of eligible foreign ships which visit Australian ports.⁴⁴

AMSA bases the eligibility of ships to be inspected on multiple factors, including: ship type, age, inspection history,⁴⁵ environmental risk, specific complaints, and their 'Shipsys' database.

Shipsys is an AMSA system that uses data to calculate the risk/probability of a ship being detained. It provides a percentage of the ships risk and allows AMSA to target high risk ships and allocate appropriate resources to their inspection and detention.

Generally, foreign ships will become eligible for inspection every six months; however, AMSA is entitled to reduce this period as it finds appropriate based on information on the Shipsys database.

The Draft Plan fails to classify the method for identifying eligible and high risk ships and is silent on the issue of analysis and assessment used to target high risk ships. The Draft Plan assumes that the best model has been adopted for the targeting of high risk ships for inspection and fails to assess the adequacy of the current approach.

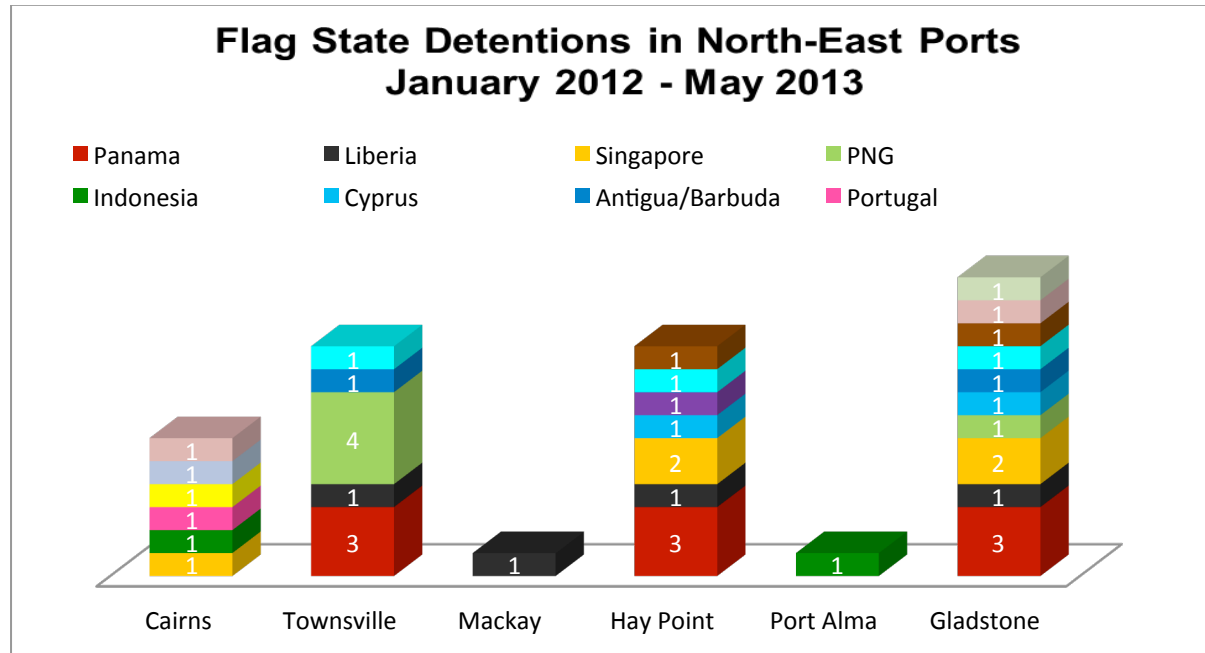
⁴⁴ Australian Maritime Safety Authority, *North-East Shipping Management Plan*, August 2013. Page 34, paragraph 7.

⁴⁵ Ibid. page 34, paragraph 7.

Port and Flag State Data

Six Flag States made up nearly half of the foreign fleet Australia wide in 2011. The Flag State with the largest number of ships (approximately 30%) inspected by AMSA in 2011 was Panama. Ships from Hong Kong, Liberia and Singapore represent a further 30% of ships inspected in 2011.⁴⁶

Figure 3⁴⁷



The high inspection rates of the Flag State ships identified in Figure 3 appear to be due to their dominant presence in the region in comparison with other Flag States.

The highest and most consistent rates of detention are of ships flying the Panama State Flag. This may be due to a number of factors including: the high number of Panama ships in the region; the lack of integrity of the SMS of Panama ships; or the specific targeting of Panama ships by Port State Control as high risk vessels.

It is submitted that a more detailed analysis of this information will provide AMSA and stakeholders with a better understanding of detention probability and an improved ability to identify high-risk vessels, and therefore should be included in the final report.

Figure 4 illustrates the number of inspections per vessel arrival in relation to the corresponding detention rate for vessels inspected in the 5 busiest North-East Queensland ports for the 2011-12 financial year.

⁴⁶ Ibid. Page 10.

⁴⁷ Port State Control Port State Control – International; *Monthly Ship Detention Lists*. See Australian Maritime Safety Authority Website: <http://www.amsa.gov.au/vessels/ship-safety/port-state-control/ship-detention/>

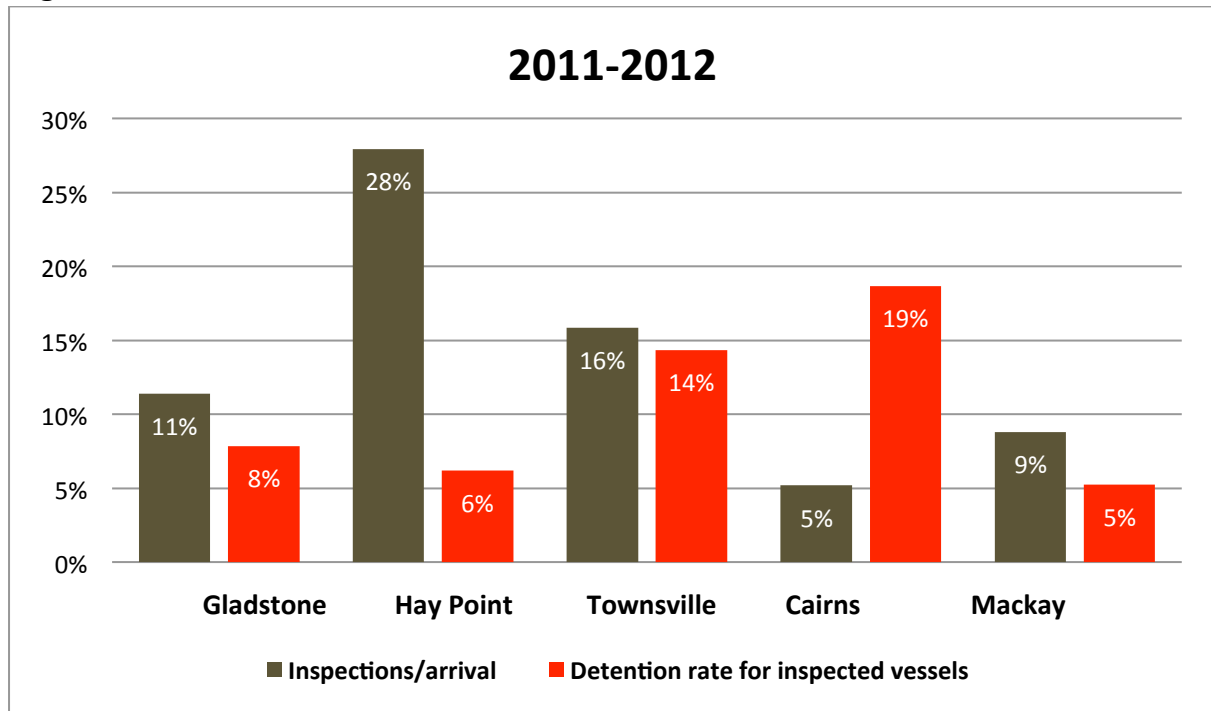
Figure 4⁴⁸

Figure 4 illustrates that in the port of Hay Point, the frequency of inspections per arrival is large in relation to the rate of detention of the inspected vessels. This suggests that the inspection processes in Hay Point are effective in managing the integrity of vessels entering the port. However, the data shown in relation to Cairns surprisingly indicates a low inspection rate (only 5% of vessel arrivals) is associated with extremely and unacceptably high detention rate per inspection (19%). In other words, 1 in 5 inspected vessels arriving in the port of Cairns represent a potentially serious threat to the environment and the Great Barrier Reef World Heritage Area.

In addition, Figure 5 illustrates the rate of detained ships per inspection in relation to the port average (10%). It normalises the data represented in Figure 4 to demonstrate the unacceptably high percentage of inspected ships being detained in

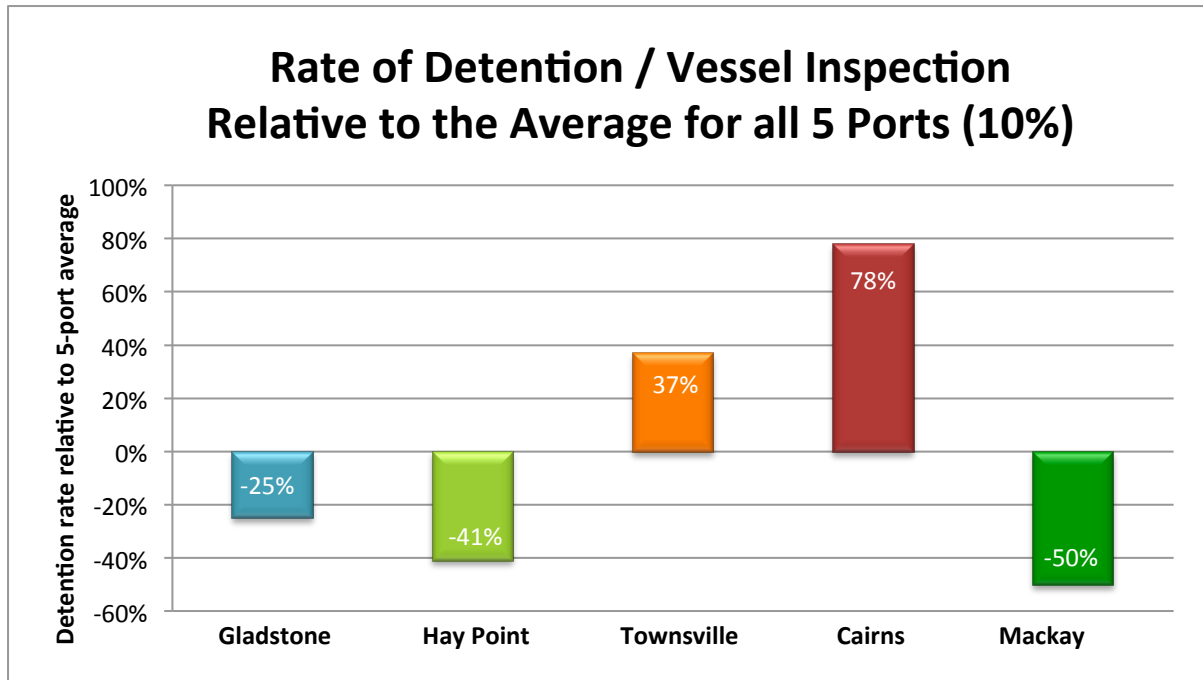
⁴⁸ Information in this Figure has been derived from:

- Australian Maritime Safety Authority, *North-East Shipping Management Plan*, August 2013, page 35, Table 1.
- Port State Control – International; *Monthly Ship Detention Lists*. See Australian Maritime Safety Authority Website: <http://www.amsa.gov.au/vessels/ship-safety/port-state-control/ship-detention/>
- Port State Control 2011 Report Australia, Australian Maritime Safety Authority, Page 9-10, Table 5.
- Australian Maritime Safety Authority, *North-East Shipping Management Plan*, August 2013, page 16, paragraph 4.4

Detention rates are in relation to those of potentially catastrophic environmental significance only - lifeboat and sewage related detentions have been excluded. Note that in order to generate a meaningful comparison between inspection rates and detention rates (AMSA data being derived from mis-matched calendar and financial years), approximate inspection rates for the financial year have been derived from an average of 2011 and 2012 calendar years. We recommend that for the final report, AMSA utilise data from matching time periods.

the ports of Cairns and Townsville. It further displays the low percentage of inspected ships being detained in the ports of Gladstone, Hay Point and Mackay. It is our view that this highlights the need for additional resources and inspection processes in these two problematic ports in order to discourage ships of low integrity from entering the ports through the sensitive Great Barrier Reef World Heritage Area.

Figure 5



The Draft Plan acknowledges the need for additional specialist marine surveyor positions in order for AMSA to increase its PSC inspection abilities.⁴⁹ However, The Draft Plan provides that only three personnel will be based in North-East ports over the next five years (in the ports of Gladstone, Townsville and Mackay).⁵⁰ As Figure 5 illustrates, the port of Cairns requires increased inspection capacity, having a detention rate almost 80% higher than the average detention rate per inspection for all five ports considered in the graphic.⁵¹ Mackay presents the lowest rate of detentions per inspection out of the five busiest North-East ports.

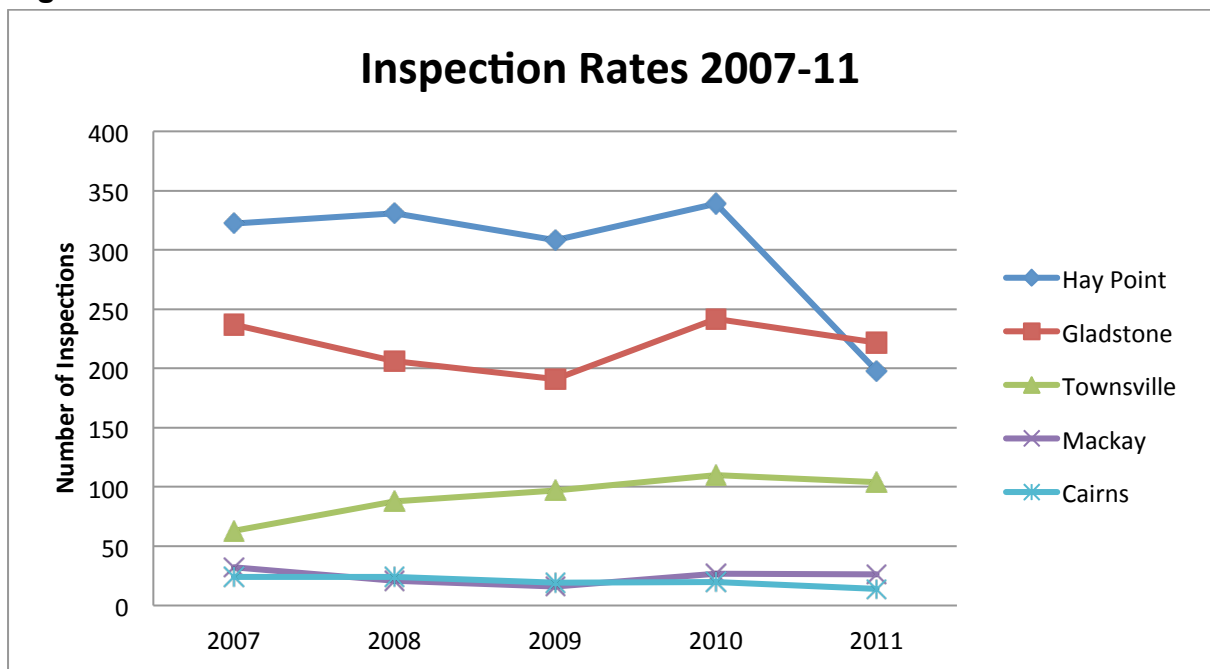
⁴⁹ Australian Maritime Safety Authority, *North-East Shipping Management Plan*, August 2013, page 35, Paragraph 2.

⁵⁰ Ibid.

⁵¹ The overall average detention rate per vessel inspection for all five ports is 10%.

As Figure 6 illustrates, over the past five years there has been little change to inspection rates and resources even with the high percentage of detention rates. This is inappropriate under the circumstances particularly for the port of Cairns, as a 19% detention rate (per vessel inspection) is indicative of a potentially significant environmental risk to the Great Barrier Reef World Heritage Area.

Figure 6⁵²



In reviewing the information represented in Figure 6, it is unsurprising that (due to the high level of compliance with standards in relation to the number of vessel visits) inspection capacity for Hay Point has reduced.

It is submitted that ports such as Cairns (with very high rates of detention per vessel inspection) require substantially increased inspection rates.

In our view, current inspection rates in the port of Cairns are inadequate to prevent ships from entering the port that potentially pose a serious threat to the Great Barrier Reef World Heritage Area (and in some cases Torres Strait) due to the potential for groundings or collision as a result of safety management system failures.

⁵² Here we have portrayed information presented by Port State Control 2011 Report Australia, Australian Maritime Safety Authority, Page 9-10, Table 5.

It is submitted that a regular detailed review of vessel visitation and safety inspection data by AMSA would result in more targeted (and hence more effective) allocation of inspection resources and activities.

Solution

It is proposed that the method of identifying: the eligibility of ships for inspection, ships that are high risk, and those that ought to be inspected, is regularly reviewed by AMSA in order to determine whether this remains the best practice model or could be improved to ensure a more effective inspection regime.

It is further proposed that The Draft Plan is amended to include current data as shown in Figures 3-6 with the recommendation that AMSA regularly review this data to ensure a more effective allocation of resources so that inspection effort is more closely aligned with threats resulting from safety management system failure.