



*THE ASSOCIATION OF AUSTRALIAN PORTS AND
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Hon. Peter Morris
Chairman, International Commission of Shipping
PO Box 162
Civic Square
CANBERRA ACT 2614

Dear Mr Morris

Thank you for giving this Association the opportunity to make a submission to your Commission's inquiry.

There are actions and initiatives that need to be taken by all countries and by IMO to set higher standards for shipping which would ultimately have considerable benefits for shipowners, ports and cargo interests. Acceptance of such actions and initiatives by many countries and shipowners as well as others with vested interests will be difficult to achieve as we know from experience and because of commercial and political considerations, however it is a pressure that it must be maintained.

Ports are concerned with the risks associated with substandard shipping, not only in terms of risks to human life and unsatisfactory standards of employment and conditions, but also their potential effects on the efficient management of shipping and port operations within a port. However, the points I wish to make in this submission are more general than the immediate effects on a port and basically relate to practices adopted by flag States, their shipping interests and service providers as well, directly, and by extension, the IMO.

1. The arrangements and practices by which Australia implements Port State Control should be seen as a leading example internationally of a trading nation's responsibility toward marine safety. The diligence with which we manage Port State Control has lead to considerable benefits for Australia. It is a great shame that many of our developed Country trading partners and those who purport to have similarly responsible views on marine safety and related matters to those held by Australia do not seem to be prepared to adopt the same level of diligence that Australia does. They are denying themselves benefits, as we do not consider that the "costs" of Australia's approach are excessive in relation to the overall benefits.

2. We recently had a woodchip vessel overload to the extent of about 1000 tonnes in a Tasmanian port. This vessel was detained by AMSA. The vessel was offered the opportunity to discharge the excess cargo at a wharf within the port. Arrangements could have been made to do this immediately. The vessel did not take up this opportunity; rather the owners approached its Registry, Cyprus, who passed the issue to their Classification Society (Det Norske Veritas) who reassigned the load line. The vessel was therefore freed from detention and sailed. If the vessel had discharged the excess tonnage it could have departed the port at least twelve hours earlier than it eventually did.

The point here is, what are the principles behind re-assigning a vessel's load line? Why can this be done and why is IMO unable to take action?

Registries are not necessarily regulators but are certainly a business in many countries and it appears that they will adopt practises to ensure that they stay in business and obviously compromising safety standards with such an option open to them.

3. I understand the International Association of Classification Society (Societies?) is considering adopting a class of "super" classification societies which would have a higher level of respect than many others. This is of course beneficial and a certain amount of additional confidence can be gained from this action. However, if for example Det Norske Veritas was one of these "super" classification societies and they agree to such actions such as re-assignment of a load line, where does that leave our level of confidence?

I would hope that such "super" members would lead by example. Obviously, from a port perspective, knowledge that such a "super" member had put a vessel into class would give us a far greater level of confidence and allow us to use our resources to more effectively manage risk relating to "lesser" vessels and classification societies. Vessels not put into class by a "super" society would be subjected to greater scrutiny under Port State Control that could create delays to loading/unloading or even port entry.

4. P&I Insurance is of course an essential protection for not only the ship but for the port. There is a group of P&I Insurers who are seen as attracting a higher level of confidence than others. This is to be commended for the same reasons as above. However, what is necessary is that nomination of the P&I Insurer becomes an accepted practice before arrival of the vessel so that this factor can be taken into account in port risk management. This should be a practice adopted by all countries.

I understand that AMSA is seeking to have such a requirement put into law at the present time. However, there seems to be considerable delays in this action getting into parliament, which is disappointing. As above, vessels with less than "top" P&I cover could be subjected to greater scrutiny under Port State Control.

5. It seems to us that IMO is far too reactive and that their role in developing an appropriate regulatory environment for the future needs to be clarified. There also needs to be consideration given to IMO having enforcement powers to ensure the proper oversight of its members and their actions in relation to IMO regulations. Failure to achieve enforcement powers leaves the IMO at the risk of being subservient to the actions by influential member States in particular those States that are the major providers of shipping Registries.

Furthermore, IMO must not allow an increasing gulf to develop between developed and developing countries in relation to IMO initiatives as this could have an effect of leading to far more compromise in the development and implementation of regulations than is really justified.

I trust that these comments are of assistance.

Yours sincerely

John Hirst
Executive Director