

Explanatory Statement

Marine Order 59, issue 2 (Order No. 7 of 2011)

Off-shore industry vessel operations

Authority

1. Part VB of the *Navigation Act 1912* (the Act) deals with offshore industry vessels. Section 283D of the Act is in Part VB of the Act. Section 283D provides that regulations may make provision in relation to off-shore industry vessels.
2. Subsection 425(1) of the Act provides that the Governor-General may make regulations necessary or convenient for carrying out or giving effect to the Act.
3. Subsection 425(1AA) of the Act allows the Australian Maritime Safety Authority to make orders about matters in Part VB of the Act in relation to which provision may be made by regulations.
4. This Order was made under subsection 425(1AA) and is a legislative instrument for the *Legislative Instruments Act 2003*.

Purpose

5. Marine Order 59 provides for:
 - (a) the safety of persons engaged in the loading or unloading of off-shore industry vessels; and
 - (b) the safe navigation and operation of off-shore industry vessels; and
 - (c) the safety of persons, including pilots, going on or coming from, or on board,

Overview

6. Marine Order 59 specifies a number of performance-based requirements for safe navigation and a safe system of operations for off-shore industry vessel operations. The Order specifies guidelines which, if complied with, are considered to satisfy these performance-based requirements. The Order also allows alternative practices to be considered and approved as equivalent to those practices in the specified guidelines.
7. The Order has been updated to replace the previous Australian Offshore Support Vessel (OSV) Code of Safe Working Practice with the more contemporary North West European Area Guidelines for the Safe Management of Offshore Supply and Rig Move Operations (NWEA). The Order also incorporates an Australian Supplement to these guidelines to reflect Australian conditions.
8. Given the number of vessels to which the Order applies, and that the NWEA and the Australian Supplement are already being used by some of the industry in Australia, the impact of the Order is considered minor in nature. Based on the information available, no further analysis in the form of a regulatory impact statement is required (OBPR reference number 11253).

Consultation

9. An industry workshop was held in 2009 and public consultation on the draft Order occurred in March 2010 and February 2011.

10. In February 2011, a copy of the draft changes in the Order was placed on the AMSA website for public comment. A copy of the draft changes in the Order was circulated for comment to a range of stakeholders, including:

- Australian Institute of Marine and Power Engineers
- Australian Maritime Officers Union
- Australian Mine and Minerals Association
- Australian Petroleum Production and Exploration Association
- Australian Shipowners Association
- BHP Billiton Ltd
- Chevron Australia
- Department of Resources Energy and Tourism
- Department of Infrastructure, Transport, Regional Development and Local Government
- EMAS
- Farstad Shipping (Indian Pacific) Pty Ltd
- Go Offshore
- International Association of Marine Contractors
- Maersk
- Maritime Union of Australia
- Mermaid Marine Australia Ltd
- National Offshore Petroleum Safety Authority
- Offshore Marine Services Pty Ltd
- Seafarers Safety, Rehabilitation and Compensation Authority
- Svitzer
- Swire Pacific Offshore
- Teekay Marine Services
- Tidewater Marine
- Total Marine Services
- Wild Geese International
- Woodside Energy Ltd.

Documents incorporated by reference

11. The following documents are incorporated by reference in the Order:

- North Western European Area (NWEA) Guidelines for the Safe Management of Offshore Supply and Rig Move Operations
- Australian Supplement.

12. The Australia Supplement will be/is available from the AMSA website. The NWEA Guidelines are available at <http://www.nwea.info>.

Contents of the Order

13. Provisions 1 to 3 are introductory provisions dealing with the name and commencement of the Order and repeal of the existing Marine Order Part 59, issue 1.

14. Provision 4 indicates the purpose for which the Order has been made, which includes the safety of people and safe operation of off-shore industry vessels.

15. Provision 5 sets out the kinds of off-shore industry vessels to which the Order applies. This includes vessels not registered in Australia. However, the Order applies only to vessels engaged in operations associated with or incidental to exploring or exploiting the natural resource of the continental shelf of Australia or the seabed or subsoil of the Australian coastal sea.

16. Provision 6 sets out definitions of various expressions that are used in the Order. It defines the NWEA Guidelines as version 2 of the North Western European Area Guidelines for the Safe Management of Offshore Supply and Rig Move Operations and defines the Australian Supplement as the supplement to the NWEA Guidelines. These documents are available from the websites mentioned in the Order.

17. Provision 7 requires the master of an offshore industry vessel to make arrangements for safe operations during emergencies. Compliance with this provision may be achieved by adopting arrangements that are in accordance with the NWEA guidelines and the Australian Supplement.

18. Provision 8 requires the master of an offshore industry vessel to make arrangements for safe operations during normal operation of the vessel. Compliance with this provision may be achieved by adopting arrangements that are in accordance with the NWEA guidelines and the Australian Supplement.

19. Provision 9 provides that an operator of an off-shore industry vessel may apply to AMSA for approval of a guideline that is equivalent to or exceeds the NWEA guidelines. The provision also specifies how an application for approval of an equivalent guideline can be made.

20. Provision 10 specifies the responsibilities of crew members of an offshore industry supply vessel. These responsibilities include following any instructions given by the master and performing duties and actions necessary to ensure the safe operation of these vessels.

Making the Order

21. This Order has been made by the Acting Chief Executive Officer of the Australian Maritime Safety Authority, in accordance with subsection 49 (4) of the *Australian Maritime Safety Authority Act 1990*.