



Western
**ROCK
LOBSTER**

World leading sustainable fishery

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30 March 2022

Mr Michael Carmody AO
Lead Reviewer
DCV Safety Review Panel
GPO Box 594
Canberra, ACT 2601

By email: dcvsafetyreview@infrastructure.gov.au

Dear Mr Carmody,

Independent Review of Australia's Domestic Commercial Vessel Safety Legislation, and Costs and Charging Arrangements

As the peak body for the western rock lobster industry in Western Australia, WRL thanks you for the opportunity to provide feedback in relation to the independent review of Australia's Domestic Commercial Vessel Safety Legislation, Costs and Charging Arrangements. WRL wishes to convey our full support for the WA Fishing Industry Council's (WAFIC) submission on this matter and agree with the points raised in their whole-of-industry submission. With that said, below we have provided a brief introduction to our submission and then delve further into question 7 (as proposed in the consultation aid), which asks submitters their opinions on the proposal to remove (in whole or part), the current grandfathering provisions and whether such a removal would substantially improve safety outcomes.

The National System is Australia's national regulatory framework to ensure the safe design, construction, equipping, crewing and operation of commercial, government and research vessels in Australian waters. Since mid-2018, the National System has been delivered by AMSA under National Law and related legislative instruments. Prior to this the relevant state-based authorities, such as Department of Transport WA, provided the oversight of these services primarily through the implementation of the USL Code.

WRL acknowledges that the review will be conducted in two phases, with the first to focus on the National Law framework (Phase 1) and the second to consider national system delivery costs and future funding options (Phase 2). This submission is in relation to Phase 1. The Phase 1 survey puts eleven questions to be addressed, these questions relate:

1. Fitness for purpose of the legal framework;
2. Regulatory framework and interrelations of acts, regulations, orders and international obligations;
3. Definition of a Domestic Commercial Vessel (DCV);
4. Defining vessel ownership and vessel operator;
5. Incident investigation;
6. Clarity of standards;
7. Compliance; and
8. Safety initiatives.

In WRL's opinion, the questions provoking the most concern is question 7, which asks:

Would removing, in whole or in part, current grandfathering provisions substantially improve safety outcomes? If so, how could industry be supported in making that transition?

Almost any change to the status of grandfathered vessels would push the owners of such vessels towards a position of unsustainability. The availability of good, second hand compliant DCV is low and reducing due to overseas sales, losses and sales to the private sector. The costs of building new vessels, compliant with the DCV regulations continues to skyrocket.

There appears to be some intent on driving DCV's into a system designed for international trading vessels (ships) of which there are very few of in Australia. It would be far better if the system was designed for the vast majority of DSV's which are in the 20 metre +/- 5 metre category.

There is a sentiment among our members, that the old state-based system provided an improved and more personalised system, however the reality is that we cannot return to this system. What may be possible in this review is to request that AMSA move to a hybrid model where the state-based AMSA surveyors and vessel inspectors operate on a more local level instead of having Canberra based administration. Moderation can then be done by the AMSA surveyors nationally instead of the clunk system currently in place where the clients seem to be caught in the bureaucracy of generic email addresses and help line numbers that never help.

Another issue is the use of contractor surveyors as opposed to AMSA employed surveyors (like occurred in the old system). The current AMSA system is not streamlined and requires multiple levels to achieve the same objective that one surveyor and a clipboard used to achieve. When full cost recovery does eventuate, the full cost burden of the AMSA system will fall on the users.

Thank you for giving our organisation an opportunity to provide a submission on this matter.

Best regards,



Matt Taylor
CEO
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