

Independent review of legal framework regulating the safety of domestic commercial vessels – Stakeholder consultation

Questions for stakeholders

1. Please let us know your experiences with the current legal framework for the safety of DCV in relation to your operations?

- a. Would a move towards more easily modified Marine Orders and away from legislation provide AMSA the opportunity to make changes without consultation? **Yes.**
- b. Is there an over reliance on surveyor interpretation and lack of quality surveyors to choose from? **Interpretation is certainly an issue with all Surveyors that we use, some surveys are from the mainland some are from Local and have different views - Big boat syndrome we call it.**
- c. Is there harmonisation between the states as proposed – can you just bring a boat from another jurisdiction with no restrictions or changes? **Have had minimal experience with this but it seems the mainland process isn't as strict as Tassie with the vessels we have relocated.**
- d. Is the process of periodic survey fit for purpose? **I don't think it is within the 5 year period no control. I think the periodic time should be vessel specific and not a generic rule.**
- e. Does it provide sufficient consistency over time? **Would need to work with the above for this to work.**
- f. Are there unnecessary or overly restrictive requirements for surveys?
- g. Is there sufficient flexibility to deal with the variety of vessel types and configurations? **No there is not, there are configurations required on smaller vessels similar to ships, doesn't make sense and we work with the shipbuilders tirelessly to rectify these rulings. Needs to be more thought put into this for specific vessels.**

2. Have your operations had any challenges with the fact you are operating under various laws in addition to the DCV framework, including WHS regulations?

Yes, Jurisdictions are not clear. Legislation written to include any requirement of local WHS regulations. It should be clear like CASA - look after airfields, Comcare - look after commonwealth land, AMSA should clearly have jurisdiction over DCVs. Work safe Tas and AMSA have a MOU that divides regulatory responsibilities for DCVs in Tasmania. This should be clear at a higher level so that industry knows who's legislation to follow.

3. Have you had any experiences with investigations into DCV incidents? If yes, were they positive and why?

- a. Are you aware of the Australian Transport Safety Bureau (ATSB) and if so, would you support the ATSB being involved in monitoring and investigating reports of DCV incidents?

Yes, I have experiences with both AMSA & Work Safe Tasmania with incident investigation. One of the frustrations is the different level of experience with the investigators and their methodology there needs to more consistency on how to conduct incident investigations. Some of the investigators may have worked in the

industry have very little incident investigation experience.

The MOU between WST and AMSA is probably not that well known or understood by DCV owners, there needs to be better consultation / communication with industry, so it is fully understood.

Yes, we are aware of the ATSB but don't see the point of another government body being involved with DCV incident investigations, it's just more bureaucracy in the mix.

4. Do your operations include vessels under any of the grandfathering provisions? If so, are those vessels still adequate to operate safely under the AMSA framework?

Yes we do have a mix of vessels and barges that are grandfathered. We provide the safe work operations outside the grandfather rulings if we see that the old rulings do not meet the safe operation.

- a. If the grandfathering provisions were to be changed or removed, what impact would it have on your operations? It would depend on the change, if the grandfathered assets had to meet the new NSCV rulings then yes it would have a huge impact on our operations.

5. Is the current framework for DCV easy to understand and comply with? Does it provide AMSA with an effective framework for compliance and enforcement?

- a. Would fact sheets assist in understanding the legislation?

Yes

- b. Are fishing vessels built under NSCV less safe than fishing vessels built under USCV?
- c. Are we still being dominated by the "big" boat mentality in the development of the guidelines etc. under NSCV and Marine Orders?
Yes – this is a huge issue
- d. Do qualifications match the operational needs for the commercial fishing/aquaculture component of the NSCV fleet?

It is improving, The proposed MO505 update is excellent, accept for the following 2 items:

1. General Purpose Hand competency needs to apply to vessels >12m otherwise small boat crew with require it also. The intent of the GPH training is to provide safety, deck and engineering knowledge and skills. As such as Coxswain NC 2 with diesel endorsement should not need to do a GPH qual as well when moving to a larger vessel. Coxswain NC 2 with Diesel endorsement should be the accepted as equal to GPH (down from Coxswain NC 1) GPH is not a watch keeping role so coxswain navigation should not been needed to be equivalent.
2. Coxswain NC 3 is a good proposal for some operations, however the range of operations proposed for this competency are excessive. le they can do more that Exemption 38 with only a recreational boat licence qual. It would be better to expand the operational ability of exemption 38.

6. Does the NSCV provide an effective framework for industry to improve safety of DCVs?

Broadly yes, however as above. The range of operations proposed for Coxswain NC 3 are excessive. If they can do more than Exemption 38 with only a recreational boat licence qualification. It would be better to expand the operational ability of exemption 38.

7. Are there any initiatives that could improve safety outcomes or assist in improving safety incident reporting?

- a. Do you have a preference for approaches more aligned to operational or environmental conditions determining standards for fishing vessels as a category rather than length of boat or size of motor?
- b. Would a “no fault / no blame” approach be more conducive to industry being more open to reporting of incidents?

No need to change the standards based on operational/environmental conditions opposed to vessel or motor size.

Based on my experience, with reporting incidents AMSA just need to be more transparent on how/why they issue notices when there is no requirement particularly when the improvements are taking place by the organisation. A “no fault / no blame” approach would probably work for a small organisation with limited resources, but this is not possible with the current legislation both State and National level.

8. Do you have a view on a change to make the Navigation Act the overriding framework for domestic commercial fishing vessels?

Yes as per Question 2. Base on Safe Work Australia Model legislation and codes of practice so that areas common with other jurisdictions have common requirements.

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