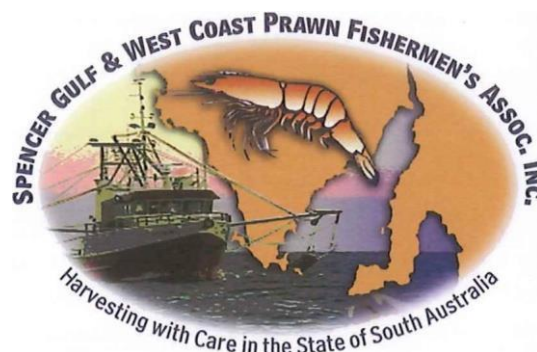


30th March 2022

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



Dear Mr Carmody,

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

The Australian Government has commissioned an independent review to consider whether Australia's legal framework regulating the safety of domestic commercial vessels is fit for purpose (Phase 1). The review is also to consider whether this regulatory framework is being delivered efficiently and effectively, and to consider options for future cost recovery arrangements (Phase 2).

The Spencer Gulf & West Coast Prawn Fishermen's Association (SGWCPFA) is a voluntary independent seafood sector entity that represents 42 licence holders, 39 who fish in the waters of the Spencer Gulf and three who fish in the waters off the West Coast of Eyre Peninsula. The fisheries represented have a combined gross value product of approximately \$45,000,000 per annum.

The purpose of this submission is to respond to Phase 1 of the review.

Introduction

The SGWCPFA has always supported improving the safety of our fleet and the people that work in our industry. The SGWCPFA has had a relatively smooth transition to AMSA's national management system for marine safety. Through this process of considering what is and isn't working and adjusting the framework to reflect that, and in turn the legislation, we hope that the national system will be less complex, more flexible and more cost effective in how it keeps our industry safely regulated.

Question 1: Is Australia's legal framework for the safety of domestic commercial vessels fit for purpose?

For our industry, the legal framework needs to be more flexible and reflective of the needs of domestic commercial vessel operations to maintain the highest level of safety in a cost-efficient manner. A lot of work has been done in our sector on their safety management systems. But a one size fits all approach does not fit within our fleet, never loan across all domestic vessels. Assessments need to be considerate of the vessel's class, operational activities, safety systems and risk profile (safety record). Our sector has embraced and implemented the safety management system designed for the fleet, but the implications of mandatory requirements such as life jacket wear at all times would be impractical for fisheries such as the Spencer Gulf & West Coast prawn fisheries. There is a lot of times on these vessels when life jacket wear is not physically appropriate. If operators are going to be asked to continue to improve and implement safety measures in their industry, they need to

be supported when they provide feedback that something is not safe or practical, based on deck experience. All of our fishers want to come home and safety is a big priority in our fleet, but at times the framework needs to allow for flexibility and tailored rules for different fisheries. The SGWCPFA is supportive of life jacket wear and all of our vessels are equipped with them and man overboard devices but it is not supportive of mandatory life jacket wear 100% of the time.

Question 2: *Does the national law interact efficiently with other Commonwealth and State and Territory frameworks, particularly the Navigation Act 2012 (Navigation Act) and workplace health and safety regulations, as well as with international maritime safety obligations?*

Our sector can only comment on this in regard to incident management, whereby both AMSA and Worksafe become involved. In our limited experience this is an inefficient approach, there are complexities about the laws and penalties that apply for each regulator. The timely application of investigation has been an issue, which in any incident management situation should be of the essence. Assessment is required to be swift and clear.

Question 4: *Should the framework ensure the Navigation Act provides the default standards for commercial vessels?*

The Navigation Act was designed to manage ships, not domestic commercial vessels. It is not appropriate to assess domestic commercial vessels in the same category as trading vessels/ships. It needs to be separated and applied with appropriate surveys to match the vessel/class, operational activities, safety management systems and risk profile. The SGWCPFA would suggest a separation and application of domestic commercial vessel rules that can be applied by state-based surveyors (rather than Canberra based surveyors) who are educated and understand the requirements for different vessels. A local approval process with surveyors that get to understand and know the sectors they are trained to work in would be invaluable for industry.

Question 6: *Would expanding the Australian Transport Safety Bureau's role to include domestic commercial vessel safety support substantially improved safety outcomes for industry, as well as regulators and policy makers?*

Any additional bodies introduced to the framework would need to be incorporated into the current regulatory processes. There doesn't need to be any further layers of complexity. We are not familiar with how the Australian Transport Safety Bureau service would be applied or charged for, so if this was to be a consideration that would need to be optional and not an additional expense to industry.

Question 7: *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?*

Some of our vessels have been operating under grandfathering provisions since the national management system was introduced. They adhere to the safety management systems introduced to the fleet and are surveyed like every other vessel. The SGWCPFA strongly believes that these vessels should not be required to upgrade for the sake of ticking a box. The vessels operate safely despite their age, they are well maintained, slipped, serviced and surveyed to ensure risk is minimized. Our fishery operates on average 50 nights a year, so

the wear and tear and operational aspects (a risk scale) again need to be tailored and considered when assessing grandfathering vessels. If vessel operators can show they are maintaining their vessel to a safe operating standard, there is no need for any change.

In closing

Industry feedback following this review for our sector has been mostly focused on the need for consistency with surveyors. There is a strong recommendation that localised surveyors are supported to conduct inspections and assessments rather than centralised Canberra based surveyors. They should be well trained and understand domestic commercial vessels and the variability between them with a flexible and practical approach. The process needs to be informative, and education based rather than bureaucratic and regulatory. At the end of the day, all operators want to conduct their business safely. They require the regulations and frameworks to be flexible enough to underpin that, not add complexity and red tape to what is already a heavily regulated industry.

Thank you for considering our comments. We look forward to hearing the outcomes of the review.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Kelly Pyke-Tape'.

Kelly Pyke-Tape
Executive Officer