



Maritime Survey Australia
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Thursday, 27 October 2022

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

Dear Mr. Carmody,

Maritime Survey Australia (MSA) is an Australian owned Marine Surveying and Consulting Company for Commercial, Defence and Recreational Clients. We are a national company with 12 full time AMSA Accredited Marine Surveyors throughout Australia with great exposure to Domestic Commercial Vessels and Operators.

We welcome this opportunity to put forward our response to the findings and recommendations.

Response to the Independent Review of Domestic Commercial Vessel.

The review has not addressed the issues regarding NS Vessels. AMSA have made a decision to not review or audit any Exemption 02 N/S applications submitted, for vessels less than 12m in length to operate as a commercially with up to four passengers.

The issue with the acceptance of the build plate as a measure of compliance has also been completely ignored in this review. This is despite multiple submissions on the issue. This has been pointed out to AMSA and now, in this review, with simply no response. The appetite for safe vessel operations and compliance does not seem relevant for N/S Vessels. Industry, AMSA and the Marine Safety Inspectors all know that some vessel owners are flouting the self-declaration process. In our view, if AMSA takes no action to remedy the situation, then it is effectively condoning the continuation of irresponsible marine safety practices on the Australian Waterways. The general public or broader community has a reasonable expectation that a vessel that operates for hire and reward is fit for purpose. This has been ignored in this review.

AMSA is the safety regulator and are quick to audit Accredited Marine Surveyors however, seems to show no concern with applying the same quality standard to their own when it comes to auditing the application of EX02 vessels.

The Incident data referenced in the findings is inaccurate. Stated on page 24: *The Panel considers that the data discussed suggests there have been improvements in safety outcomes since the introduction of the National System.*

Almost all reported incidents where the operator is not compelled to report (ie rescued, vessel towed, fire etc) are completed by professional crew. So, the data will give the impression that larger vessels are the ones involved in incidents. The smaller vessels generally operated by low qualified crew, that make up the majority of the fleet are involved in most of the incidents however are not reported. In many cases reporting of incidents is



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unknown to crew as compliance is not considered necessary from the regulator (NS Vessels) and are not exposed to regular inspections, where the importance of incident reporting is addressed face to face. The establishment of a voluntary near-miss incident reporting system would be a critical step forward in accelerating the progress and evolution in the incident reporting space.

Finding 2: The requirement for all DCVs to have Certificates of Survey (COS) and of Operation is unnecessary to achieve safety outcomes and has resulted in a complex and burdensome array of exemptions for less risky operations.

Response to finding 2: If the Australian Government are to establish and fund for an Industry Assistance Package, with a suite of incentives to assist attaining these standards, this may have unintended consequences. Vessel Operators that have voluntarily maintained their vessel to contemporary standards may feel penalised. This may also result in the cost of compliance exceeding the value of the vessel.

Removing the requirement for a COS for many vessels will by virtue remove the need for an assessment and the Surveyor for the vessels considered lower risk. The failure of Exemption 24 has resulted in many substandard SAR vessels and as this is based on a self-declaration. Many State Emergency Management Authorities have recognised that EX24 has not worked and instead engaged with a Surveyor at least once every five years. This experiment has not worked in the case of SAR vessels, Perhaps we should take the lessons from here and apply that thinking, before the removal of requirements for a COS.

Finding 3: Progressively withdrawing existing grandfathering arrangements to the extent they impact on safety would substantially improve safety outcomes.

Response to finding 3: Page 39 states that: *AMSA should determine which vessels or operations are higher-risk and develop a schedule for a phased-initial survey of the grandfathered fleet.*

It is not appropriate for AMSA to determine which vessels are higher risk as they are influenced by industries and different sectors. Every global authority or insurance company that reports on occupation risks, lists commercial fishing as high risk, furthermore they list fishing as the highest or the second highest risk job in the world. In Australia it is listed at Number 1.

However, AMSA list fishing as a medium to low risk. AMSA lists no type of fishing vessel as high risk. The determination of risk category, would best given to an independent body to determine, based on the operation, history and vessel profile.

As stated previously, the focus on grandfathering arrangements appears to be the primary focus, however if the goal is to substantially improve safety outcomes, then why has AMSA made a decision to not audit the N/S vessels up to 12 metres in length? This has not been addressed in the findings.

Grandfathered Vessels: The findings did not specifically address QLD vessels. The elephant in the room here, is that the majority of grandfathered vessels in QLD are EX02 division 5, if it was not for the division 5 they would be Scheme S vessels, requiring a



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Certificate of Survey. Therefore, there is no incentive for them to upgrade as they would then lose the Division 5 status. In contrast, the EX02 division 5 vessels in the other states are typically the N/S vessels owned by Government, will disappear through natural attrition as they are replaced. The sunseting of grandfathering should be focused on scheme S vessels, if it was not for the option of division 5.

The findings make the assumption that all grandfathered vessels are unsafe has no merit. The current proposal may have an unintended consequence of replacing or refitting EX02 vessels that are not necessarily substandard or unsafe. If the funding for this was to come from the taxpayer, you may have a situation where the majority of the funding is directed towards government agencies that would already have a vessel replacement program in place.

Recommendation 10: The marine surveyor accreditation scheme should be reviewed to make it fit for purpose. As part of that review, consideration should be given to introducing (among other matters):

Response to recommendation 10 *Greater flexibility in who can be accredited as a marine surveyor, and expanding categories of accreditation to adequately cater for new and emerging technologies;*

The recommendation states that *the marine surveyor accreditation scheme should be reviewed to make it fit for purpose.*

AMSA relies on recommendations from Accredited Marine Surveyors when considering whether a vessel is fit for purpose or not, subsequently, removing much of the regulatory burden from AMSA. The Accredited Marine Surveyors play an essential role in achieving the public safety objectives of the National System.

As a Marine Surveyor is a specialist role, it is best to have a background as a Naval Architect, Marine Engineer, Master or Shipwright prior to gaining accreditation or working as a Surveyor. If the potential Surveyor is not suitably qualified prior to making application for accreditation, gaining employment or being a competent independent Surveyor will be extremely difficult. We often field calls from students who have recently completed a Marine Surveying Diploma and find the process disappointing. This is often because they have been sold something that perhaps was not suitable, without the appropriate background. Encouraging greater flexibility without a minimum background will not enhance the industry. An alternate solution, would be to provide the Accredited Marine Survey Coy. or Surveyor funding for Trainee Surveyors. Often trainees to Marine Surveying are ex Seafarers who expect the same or similar wage which is not possible, considering it takes around 2 years for a new starter to be considered competent. The best training for Surveyors is on the job and this should be encouraged.

Increasing the approval powers for accredited marine surveyors: The responsibility of issuing a certificate of survey should remain with AMSA or a company with as a minimum ISO 9001 certification, with the ability to issue certificates.



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Recognised organisations

Recognised organisations have not been addressed in the findings. Recognised organisations are not obligated to complete the same accreditation process that other Surveyors are required to complete. This does not present a level playing field for the industry. AMSA have already recognised that the Surveyors working for many of these recognised organisations do not have a good understanding of the DCV standards! rules and regulations. This was highlighted in a recent edition of the Survey Matters Newsletter from AMSA to Industry.

Many of the Recognised organisations are not Australian based and do not have a great understanding of the framework in which DCVs operate in.

Finally, as an industry, we are well experienced and motivated to improve safety at every opportunity, there are many challenges, but none are insurmountable.

Thank you for the opportunity to respond to the findings.

Regards,

A handwritten signature in black ink, appearing to read "Mick Uberti".

Mick Uberti
Marine Surveyor
0408 138 653
Maritime Survey Australia