

30<sup>th</sup> November 2022

DCV Safety Review Panel  
GPO Box 594  
Canberra, ACT 2601



Dear Panel

### **Independent Review of Australia's Domestic Commercial Vessel Safety Legislation, and Costs and Charging Arrangements – response to the Draft Phase 1 Report**

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 the Draft Phase 1 Report, specifically finding 3.

#### **Response**

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.

A one rule fits all regime would be easier to manage and administer for AMSA, but it does not reflect or honour the differences in vessels, fleets and operators that operate under different circumstances. The spectrum is extremely broad and it's not appropriate to consolidate a regime for all domestic vessels.

1. The variability of fleet practices should be recognised when assessing any changes to grandfathering going forward. For example, in the Spencer Gulf prawn fleet;
  - a. There is a policy that ensures the fleet does not fish in bad weather, (i.e. >25 knots). This in turn reduces the risk of damage to vessels during bad weather.
  - b. They also fish in a relatively "land-locked" inverse estuary which is somewhat safer than fishing 200 miles off the coastline.
  - c. The Spencer Gulf fleet spend on average 50 nights a year at sea, as opposed to other fisheries that spend many more thousands of hours at sea annually.
  - d. The variability between fisheries and operations is significant.
2. Good operators with consistent and adhered to safety management programs need to be rewarded. Grandfathered or not, as long as the vessels are safe and are supported by good practices/maintenance, they should not be required to tick a box

due to a change in regulations that are inherently designed to address issues for vessels that are not maintained or are exposed to risk levels that are not across the board. It does not make sense or build good governance between AMSA and industry to more heavily regulate the vessels that are already operating safely.

3. The removal of grandfathering would pose an extreme financial burden to the small businesses it will be applied to.
4. There is no reason to have an end date on grandfathering provisions if vessels are operating safely. Additional regulations to meet national standards to simply streamline the process ignores and penalises a large portion of the industry who are operating safely but have an older vessel.
5. More than half of the DCV fleet 16,500 vessels will be affected by this change, AMSA need to weigh up the regulatory impact versus the safety outcomes – there will be significant economic impacts on operators at a time when input costs are extremely high, employment retention difficult and there is rising mental health pressures in relation to operators ticking all the boxes to run successful businesses.
6. AMSA needs to recognise that just because grandfathering adds an additional layer of complexity in terms of the framework does not mean it should be disregarded to streamline AMSA's workload.
7. There is no way around the inconsistencies in safety standards between vessels given the variabilities in location, age of vessel, hours at sea, maintenance programs etc. The framework cannot apply a blanket one size fits all approach without significantly impacting the current 16,500 grandfathered operators. Designing a framework which can be applied to individual vessels with the opportunity for AMSA assessors to understand how operators might mitigate and reduce risks despite not meeting the regulation is a must. Grandfathered vessels require the opportunity to be able to operate based on individual fleet characteristics that are applied to reduce risk and acknowledge safety practice management and records.
8. There is no link to increased safety concerns/reports from grandfathered vessels in the fishing industry that we are aware of. There is no evidence that grandfathered vessels are a key concern to safety more than other vessels. Targeted correction of vessels that do raise safety concerns would appear to be a more feasible approach than a blanket approach that will cause duress for the majority of industry who are doing the right thing.

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

Yours sincerely



Kelly Pyke-Tape  
Executive Officer