



WAFIC FISHING
PEARLING
AQUACULTURE

30th November 2022

Ms Carolyn Walsh & Mr John Harrison
Independent Reviewers
DCV Safety Review Panel
GPO Box 594
Canberra, ACT 2601

Dear Ms Walsh and Mr Harrison,

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

Release for Consultation – Draft Interim Safety Report – Phase 1

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 WA Fishing Industry Council (WAFIC) is the peak industry representative body for the commercial fishing, pearling and aquaculture industries in WA. In total our membership covers over 1200 vessels and 4000 individuals and the industry produces in excess of \$800 million GVP per annum.

WAFIC notes this current consultation process is the first of two planned phases and that the purpose of the first phase is to seek feedback from industry on whether Australia's legal framework regulating the safety of domestic commercial vessels (DCVs) is fit for purpose.

The WAFIC submission (Attachment 1) is responding to the release of the Draft Interim Safety Report (Phase 1) by the Independent Review Panel in August 2022 and seeking responses originally by 8th October 2022 - but extended to 30th November 2022.

WAFIC recognises that Phase 2 will deal with cost recovery arrangements for AMSA service delivery activities however we must make clear our view that much of what is determined and discussed in relation to legislation and supporting regulations (Phase 1) will have flow on effects when determining the level of costs (and recovery of those costs) associated with service delivery.

This submission is the result of WAFIC seeking responses from stakeholders by circulating the Review Panel's Draft Interim Report (Phase 1) to the commercial fishing, aquaculture and pearling industries throughout Western Australia through our range of communications tools (website, newsletter, social media, direct mail, online and face-to-face meetings).

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WAFIC notes that stakeholders have had the opportunity to make comment to the Review Panel through written submissions and directly with the Panel, through online and face-to-face consultation.

On behalf of our members, WAFIC takes this opportunity to thank the Independent Review Panel for the consultation arrangements applied for Phase 1 and we look forward to further interaction with the Panel for Phase 2.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Darryl Hockey', with a stylized flourish at the end.

Darryl Hockey
CHIEF EXECUTIVE OFFICER

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

Subject: Release of Draft Interim Safety Report (Phase 1) for Consultation

Document: Submission from WA Fishing Industry Council - October 2022

1. Opening Comments

The WA Fishing Industry Council (WAFIC) is the peak industry representative body for the commercial fishing, pearling and aquaculture industries in WA. In total our membership covers over 1200 vessels and 4000 individuals and the industry produces in excess of \$800 million GVP per annum.

WAFIC has been a strong supporter of the overall objective of establishing a single, national, marine safety service delivery model to assist the Australian government and the wider domestic commercial vessel (DCV) industry (including the fishing, pearling and aquaculture industries) to operate in a more efficient and cost-effective manner while maintaining safety.

WAFIC has also been a strong supporter of the AMSA focus on improving the safety culture within industry through a risk-based management framework increasing owner and operator responsibility and self-audit for marine safety within their DCV operations. The focus of the policy initiatives and management approach behind the National Law was on improving the culture within industry and driving efficiencies through increasing individual operator responsibility and self-audit for marine safety of DCVs. This has not happened to the extent expected to date.

In bringing together the single national maritime safety management framework, several decisions were made to make the transition for industry as acceptable as possible and balance cost impacts with the imperative to create national consistency in vessel safety management. Thus the initial suite of legislation and regulation included such items as grandfathering arrangements and multiple exemptions overlaying prescriptive mandatory standards. This has led to a high degree of legislative complexity. It was understood by industry and government that establishing a national system would not be perfect from the start and that trying to mesh together the outcomes from seven separate state/territory jurisdictions into a single national law and management regime was always going to take time to settle.

It would be naïve to expect all issues to be fully covered and effectively managed by AMSA within this first five year period of full AMSA management - just as it would be unreasonable to expect all operators of domestic commercial vessels to have fully embraced the agreed principle of greater '*self-responsibility*' for safety as part of driving the incentives for more efficient and cost effective marine safety management.

2. High Risk

WAFIC wishes to make specific comment, at this point of our submission, on an important concept of the Review Panel's Draft Interim Report (Phase1) – ie labeling of 'high risk' vessels.

There are a significant number of references to what the Panel perceives are 'high-risk' vessels, both directly and indirectly.

What is missing in the interim report is a clear definition of what entails 'high risk' in any of these descriptors. There seems to be no consideration in the Panel's report of how a vessel's risk status may change post implementation of mitigation controls by the operator.

The interim report refers to 'high risk' in four (4) different ways:

- 'High-Risk DCV's'
- 'High-Risk activities'
- 'High-Risk attributes'
- 'High-Risk industries'

Without a clear, transparent and easily understood statement of definitions or *guiding principles* on what constitutes 'high risk' there is the probability that industry and government will likely end up with one or more of the following:

- Continuing subjective interpretation of what constitutes 'high risk';
- Increased compliance and/or operational costs for no reasonable or necessary improvement to safety;
- Incorrect capture of vessels into a 'high-risk' category resulting in unnecessary or excessive compliance requirements.

Industry participants (and the public at large) desire appropriately regulated and safe DCV operations. The application of safety principles must be approached with a pragmatic mindset, regulating practices or operations that are clearly worthy of greater attention but equally permitting greater flexibility and ease of compliance where assessment of mitigation measures deems the activity 'reasonable risk'.

A vessel or operation may become 'high risk' as a result of poor risk identification and applied controls regardless of vessel type or operating environment. Equally, as the point of risk control measures are to reduce the risks, irrespective of size, type of operational complexity or area of operation, there is no longer 'high risk' if there are robust, mature and sound risk mitigation controls.

At present, due to the lack of clear definition/interpretation/guidance as to what constitutes 'high risk', subjective outcomes will continue to occur. The significance of such a subjective approach is highlighted by the Panel's recommendation that a 'high risk' DCV comply with the Navigation Act which would have a significant impact on a vessel, its operation and associated costs.

There is no doubt there are a range of opinions on what constitutes 'high risk' however there should be some reasonable attempts by AMSA to work with industry to determine how 'risk' should be viewed, managed and regulated. WAFIC is of the view that the National Safety Committee (NSC), as a broad representation of the industry, is arguably well positioned to discuss, assist and advise on this matter.

WAFIC is strongly of the view that the National Law is more than capable of managing all DCVs regardless of operational complexity and that there is no basis upon which any DCVs should transfer to the Navigation Act as recommended by the Panel.

In support of the National Law remaining the primary legislation for DCVs:

- A risk is required to be managed by the DCV operator under Marine Order 504 (MO504), therefore there is no need for referral or requirement to comply with the Navigation Act;
- MO504 already includes risk assessments within a required SMS for all vessels;
- The review of MO504 is making risk assessments more robust. With the improved prescription around risk assessments, this would be sufficient to manage any DCV risk.
- Under the National Law Act, Section 48, a certificate of operation should only be issued if:

- b) *the National Regulator is satisfied that the applicant has demonstrated appropriate competence and capacity in relation to the safe operation of the vessel; and*
- c) *the National Regulator is satisfied that the criteria prescribed by the regulations are met in relation to the issue of the certificate.” [Note: a marine order is a regulation]*

Furthermore at the recent Regional Safety Committee meetings, AMSA outlined their algorithm used for determining the frequency of vessel safety inspections. This could equally be utilised where an assessed ‘risk’ level exists that requires more scrutiny by the Regulator as well as provide the basis for extension of survey dates to incentivise vessel operators to better manage risk.

This type of approach will also be required for consideration of recovery of costs under Phase 2 of the Review.

3. Balance of WAFIC submission

The balance of the WAFIC submission below has been structured to follow the findings and recommendations as outlined in the Review Panel draft interim report.

Issue 1 – Overall Safety Outcomes

WAFIC is pleased that data examined in developing this report has indicated the current legal framework has produced improvements in safety outcomes since coming into effect. Industry supports this view that there has been improved safety awareness within the fishing fleet.

Industry accepts there have been tangible benefits arising from the National Law including:

- the ability to recognise marine qualifications and vessel surveys nationally has improved operators’ ability to hire staff from interstate and move vessel operational areas more easily;
- the benefits accumulating from the simplification of certificate of operation requirements for large fleet operators that previously held individual certificates for each vessel allowing a single certificate for their entire fleet and removing the schedule of vessels from the certificate;
- the timeliness in the introduction of the reform mandating the use of float-free automatically activating emergency position indicating radio beacons (EPIRBs) on certain classes of vessels from 1 January 2021; and,
- improved consultation processes on proposed amendments and policy developments

WAFIC agrees that industry cannot ignore the tragedy of lost lives in recent years but our members are heartened by the downward trend in fatalities and serious injuries since full service delivery responsibility transitioned to AMSA from 2018. However, it is recognised the numbers are from a low base, and for a relatively short period of time as highlighted by the Panel. It was important to note that the DCV fatality and serious injury rates are now at, or below, similar levels to that of rail (fatality and injury) and aviation (fatality) - two transport modes generally recognised for their exemplary safety records.

WAFIC continues to support a single, national management framework for marine safety and believes that application of a fully integrated risk based framework, appropriate tweaking of the current legislation and supporting regulations, as well as development of support explanatory documentation, will be a significant step to driving the efficiencies and safety outcomes sought from the initial Inter Governmental Agreement.

WAFIC has been a strong supporter over time of modernising fisheries management across Australia through establishing legislation as the ‘toolbox’ - laying out the framework for management. The ‘tools’ range in form of fisheries management plans or harvest strategies

allowing flexibility and timely adjustment that can be accumulated, used and updated as required without constantly changing the toolbox (legislation). The 'tools' in fisheries management are in the form of subsidiary legislation, allowing amendments to be made at Minister or Director level so long as these are in line with the legislative framework and carry the opportunity for consultation and review.

In the case of the National Law (the toolbox) it is the marine orders and standards that are the 'tools' necessary to introduce the flexibility and timeliness in management to meet a modern DCV industry.

WAFIC members also strongly support digitization of as many aspects as possible in the legislation to codify data to assist industry access information and make it easier for a vessel operator to quickly understand the requirements for their vessel by uploading details of their vessel and operations.

Members were definite in their view that industry should be actively involved with AMSA in streamlining the rules and regulations. This aspect is important when considering Phase 2 of the Review (Cost and Charging Arrangements for AMSA activities) where industry's role in setting AMSA activities and operations needs to be clearly established.

On this basis, WAFIC supports the Panel's key finding that:

- there is evidence to suggest the National Law framework has improved safety outcomes;
- there is room for improvement; and,
- the legal framework has introduced unnecessary complexity and regulatory burden and is not responsive to innovation and change.

Issue 2 - Risk-based Regulatory Framework

WAFIC notes, and agrees, with stakeholders that submitted that the National Law framework is unnecessarily complex and the complexity creates unnecessary regulatory burden. AMSA aligns itself with this philosophy, however the National Law regulatory framework raises many barriers to the effective implementation of risk-based approach in the form of prescriptive requirements.

WAFIC recognises that some operators benefit from a prescriptive approach but there is a significant section of industry with the self-management capacity whereby regulatory prescription provides no safety benefit but acts to stifle innovation and operational efficiency while increasing compliance and other costs.

WAFIC supports the Panel's finding that complexity and unnecessary regulatory burden is the result of the 'one size fits all' approach that exists and the attempts to have all DCVs comply with prescriptive safety obligations over and above their general safety duties. This does not align with the relatively low level of risk in design or operation of a large majority of the DCV fleet and leads to unnecessary complexity and 'avoidable' regulatory burden created by exemptions and their interpretation. As the Panel identified - the multiplicity of regulatory instruments (i.e. Marine Orders, exemptions and standards) and the interaction between these adds to the complexity and unnecessary regulatory burden as well as being hard to navigate as they contain cross references to multiple documents and international standards.

WAFIC supports the Panel view that a more contemporary approach under risk-based regulation will ensure that regulatory requirements are proportionate to the safety risk that they pose and would deliver clear benefits in terms of safety as well as reduce costs.

Industry agrees that a risk-based regulation framework should accentuate the general safety duties on all parties that have a duty under the current law.

Perhaps for more detailed discussion in Phase 2 of the Review, WAFIC agrees that implicit in this approach is that AMSA should be allocating its finite resources to those parts of the industry that data indicates is the greatest safety risk.

WAFIC supports the Panel's position to remove removing the universal requirement for all DCV's to have a Certificate of Survey and a Certificate of Operation unless specified benefits are demonstrated for a particular type or class of vessel.

WAFIC supports the Panel's findings 1 and 2 - leading to recommendation 1 - that the national law be amended to better reflect a risk-based regulatory model that is flexible and able to adapt to innovation and emerging technologies.

WAFIC stakeholders believe the definition and scope of the framework could be narrowed to exclude vessels that may be more appropriately classed as "recreational" such as jet-skis and kayaks and some other Class 4 vessels.

Importantly, as mentioned earlier in our submission, WAFIC requires careful examination and discussion on the Panel references to 'high risk'.

WAFIC does not support the Panel recommendation that some DCVs transfer to comply with the Navigation Act and associated international standards, including the International Dangerous Goods Code and the Standard of Training, Certification and Watchkeeping (STCW).

The Navigation Act was established for the safe management of the '*...4,000 ships that transport goods to and from Australia, carrying 99 per cent by volume of Australia's imports and exports*'¹. The AMSA website sets out '*The Navigation Act 2012 is legislation which covers international ship and seafarer safety...*' It clearly does not relate to DCVs operating well inside the Australian EEZ. DCVs are constructed of a wide range of materials, differ vastly in design, age and are operated for a variety of purposes (including cross purpose operations). As such, it is a gross over-simplification to believe that the regime for a trading vessel can be adapted to suit the diverse nature of the DCV fleet.

The standards under the Navigation Act should not be applied to domestic commercial vessels. The scope and application of the Navigation Act is appropriately suited to ships that transport goods on long distance voyages outside the Australian EEZ. The commercial context and risk profile of predominantly large container vessels undertaking long international voyages is not directly transposable in a domestic commercial context, where vessels predominantly operate within the Australian EEZ. The applicable standard should take into consideration the lower risk profile of vessels that operate within the Australian EEZ.

Applying the standards under the Navigation Act to domestic commercial vessels would unnecessarily increase compliance costs for domestic commercial vessel operators without addressing the specific risks that apply to domestic commercial vessels. There would need to be a convincing analysis of what specific "high risks" cannot be managed under the National Law and how the Navigation Act would better address those risks. More to the point, a case would need to be made as to why the National Law cannot be amended to address specific high risks. It seems that would be more appropriate.

Certain requirements, such as qualifications for seafarers under the Navigation Act, would also impose significant recruitment issues for some domestic commercial vessel operators. For example, the fishing industry relies predominantly on unskilled labour to work as deck crew. The demographic that typically undertake these roles would be prevented from working

¹ Second reading speech, Minister for Transport, 24th May 2012
<https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fhansard%2F7b0b2bac-de69-42c1-8a98-2d16329f051f%2F0024%22>

on fishing vessels if they had to undertake qualifications to work as deck crew and operators would not be able to secure crew to operate. This would especially be the case in diverse regional ports.

Therefore, applying the standards under the Navigation Act to domestic commercial vessels without consideration of wider implications presents the real outcome of aggravating serious shortages in the current labour market, in particular where crew are required at short notice.

Issue 3 – Grandfathering Arrangements

WAFIC *does not support* the notion that safety outcomes will be ‘substantially improved’ through the ‘wholesale’ removing of the current grandfathering provisions.

Risk should be understood in practice, rather than assumed to exist just because a vessel operates under grandfathered provision.

WAFIC agrees with the Panel’s findings that there was no expiry date to the grandfathering arrangements under the IGA and that the development of the National Law was predicated on the agreement that the reform would have minimum impact on the existing fleet, where possible, through preserving existing arrangements. Consistent with the view at the time, AMSA’s 2012 regulatory plan took the approach that: *Grandfathering arrangements would continue to apply unless incident data dictated the need to adopt an alternative approach*².

It was noted that the Review Panel had found ***no specific data indicating that grandfathered vessels were any higher risk than non-grandfathered vessels***. The earlier Productivity Commission recommended that grandfathering arrangements be removed only where an assessment demonstrates the safety benefits exceed the costs.

There is a need for regulators to clearly articulate why a vessel does not meet a particular standard within its operational sphere rather than deeming it unsafe just because of age. WAFIC is in agreement with the Review Panel findings that many existing vessels are sound and fundamentally safe to operate in their current environment and that removing grandfathering and requiring vessels to meet modern standards would make large sections of industry unviable, particularly smaller businesses.

Some industry members expressed the view that there is community expectation that the fishing industry should meet commonly accepted standards (eg smoke detectors, RCD outlets, personal safety equipment) and that industry needs to understand that there is a difference between basic seaworthiness and accepted best practice (eg vessel surveys are necessary).

WAFIC supports the view that the existing grandfather provisions result in little economic incentive to transition to modern safety standards and may discourage fleet penetration of newer vessels. WAFIC agrees the transitional provisions are too stringent and in most cases it would not be possible to meet all of the same modern standards as would be required of a new vessel as the costs would be prohibitive.

Members placed strong emphasis on changes only where there is a safety issue arising after proper assessment through a true risk based framework approach.

WAFIC supports the Panel suggestion that should there be changes to grandfathering rules then a baseline set of safety standards would need to be established to provide flexibility to

² AMSA Supplementary Submission - Australian Government Productivity Commission National Transport Regulatory Reform Draft Report November 2019 (January 2020) p10 of 22.

enable vessels to phase-in or transition to that baseline set of standards. These baseline standards would not necessarily be to exact same levels as a new vessel.

WAFIC members also supported the view that a risk profile for various specific vessel types and operations was important when making assessments of safety.

WAFIC acknowledges that there are sections of the DCV fleet where previous jurisdictional requirements have resulted in a number of grandfathered vessels not having been inspected for over 20 years. WAFIC believes this situation would also benefit from a risk-based framework being applied to review each vessel's grandfathering provisions rather than wholesale removal of these provisions across the fleet. There are many vessels of similar configuration to these in other jurisdictions that have been regularly inspected, regularly passed survey and operate quite safely.

WAFIC supports the Panel's view that the Australian Government should make available some form of assistance to industry to help mitigate the impacts of transition of the DCV fleet should there be a decision for wholesale removal of the grandfathered arrangements to modern safety standards.

WAFIC looks forward to assisting the Panel in considering the cost impacts of the removal of grandfathering arrangements on industry in greater detail in Phase 2 of the Review.

WAFIC would cautiously support Finding 3 and Recommendation 2 on the proviso that *'progressively withdrawing existing grandfathering arrangements'* includes:

- any changes are only applied where there is a safety issue arising after proper assessment through a true risk based framework approach;
- transitional rules include:
 - a phased-in basis (timelines to be determined),
 - a baseline set of standards and,
 - financial support to transition provided by government.

Issue 4 - Relationship between Marine Safety law & Work Health and Safety law.

WAFIC's initial submission to the Review highlighted the confusion about the delineation between 'marine safety' as regulated by AMSA and 'work health and safety' as regulated by WHS Authorities.

WAFIC agrees that this creates uncertainty and unnecessary regulatory burden through duplication.

The Panel's attempt to provide processes to delineate responsibility for maritime and non-maritime related safety risks is supported as common sense.

WAFIC agrees that a breach of a general safety duty under the National Law is likely also to be a breach of the WHS Law. Common sense again suggests that the application of the National Law effectively gives AMSA jurisdiction to investigate 'at sea' incidents and it is important that the MOUs between AMSA and WHS Authorities set out in practical terms which regulator will take the lead. Members noted that AMSA and WHS agencies were developing MOUs for their operations and respective responsibilities but that industry had little input to these MOU discussions. Industry needs protection from multiple investigations and breach imposts when an incident occurs.

Some members suggested that 'bilateral agreements' could be a useful way to minimise differences between WHS jurisdictional views when AMSA attempts to refine MOUs.

WAFIC supports Finding 4 and Recommendation 3 of the Panel's Report.

Issue 5 – Offences and Penalties

WAFIC was not aware that there are currently proposed amendments to the National Law to align the offences and penalties with the Model WHS Law in place but held up by some states not yet adopting model WHS laws (ie Vic).

As an industry representative body WAFIC has difficulty in supporting increases in penalties. It would seem that our views are superfluous anyway given the proposed AMSA amendments ‘sitting in the wings’ as set out in the Panels report.

As with other proposals in the Report, we would expect that any recommendation to increase penalties and offences is based on available relevant evidence that doing so will act as an increased deterrent or does in fact undermine the effectiveness of AMSA as a Regulator as claimed in the Panel’s Finding 5.

Issue 6 – Enforcement Powers

WAFIC supports the Regulator having access to a graduated array of enforcement tools to actively administer their regulatory obligations.

We support the Panel’s view that infringement notice penalties under the National Law are higher than in other transport safety regimes and should be amended to provide flexibility to ‘scale’ the penalty amount to the nature of the offence.

Issue 7 - Expanding the Australian Transport Safety Bureau’s role to include DCV safety incidents

WAFIC notes that the ATSB is an independent statutory agency of the Australian Government, governed by a independent Commission, entirely separate from transport regulators, policy makers and service providers. We note ATSB applies a ‘no-blame’ approach to improve transport safety through the independent investigation of transport accidents and does not assist in determining liability.

WAFIC supports the concept in the Panel’s Finding 7 that expanding the ATSB role to include DCV safety incidents would provide for an independent review of systemic safety issues that other entities cannot, or do not consider, including the regulator.

We support the view of other stakeholders who are suggesting that the focus should initially be on identifying where an independent safety investigation process would provide the greatest safety benefit and that this may be more easily answered once the scope of the safety regulatory framework for commercial vessels is clarified through Phase 1 of this Review. As the Panel notes the optimal size of this function in terms of the quantum of investigations conducted is not clear.

WAFIC concurs that safety incidents may be under-reported due to a fear of possible enforcement action by AMSA and/or WHS authorities. Using ATSB may go some way to resolve this as it raises safety issues that are not attributable directly to any single individual. WAFIC supports calls for improvements around incident reporting arrangements, such as a ‘central reporting structure’ (eg ATSB) and streamlining the reporting requirements and process across jurisdictions (eg AMSA/WHS/Police) through the use of consistent definitions and requirements.

WAFIC remains adamant that any move to a new process, such as the ATSB, requires a close examination to understand the costs involved and how those costs are to be attributed. Consideration of existing arrangements in the aviation and rail sectors may assist in setting this out during Phase 2 of the Review. WAFIC supports the Panel’s recommendation 6 that the ATSB should be funded by the Australian Government to undertake a no-blame investigation program sufficient to support the identification of systemic safety issues.

Issue 8 - Develop and foster a safety culture within the maritime industry.

WAFIC believes the focus on a risk-based regulatory framework emphasizing greater self-management and self-audit requires more education and clarification around role, responsibilities, obligations and reporting requirements.

The Panel accurately states that AMSA will need to establish a greater rapport with industry over the benefits of reporting to overcome the concerns of follow-up regulatory action from incident reporting (discussed above re ATSB).

WAFIC agrees that AMSA needs to take greater opportunity to collaborate with industry representative bodies to develop programs, actions and communications strategies using existing, trusted industry networks to assist with fostering the safety culture, identify best practices and nurture safety leaders.

WAFIC will not support any proposals to create any 'mandatory' pre-entry requirement for crew on a DCV. Members were cautious in regard to the Review Panel's view that the 'portability' of experience, skills, training and qualifications across sectors could be enabled by a 'white card' or equivalent concept. Members supported the concept of a skills and experience passport be further investigated but were strongly of the view that it not be a 'mandatory requirement' for entry to the industry. This issue should form part of the existing review of Marine Order 504.

WAFIC supports Finding 8 and Recommendation 8 that AMSA should establish and support an Australian Government funded, long-term safety engagement program with all sectors of the DCV industry to promote the benefits of reporting, identify best data collection methods, investigate the creation of a widely accepted '*skills portability*' scheme and develop simple and accessible guidelines for ease of compliance.

Issue 9 - Improve the marine surveyor accreditation scheme to ensure 'fit for purpose'

WAFIC supports Finding 9 calling for a review of the marine surveyor accreditation scheme to meet the expiry date of the current regulations in October 2023, including the issues set out in Recommendation 9.

This scheme is a significant safety assurance mechanism and it is important that it be fit for purpose and flexible, particularly in relation to new and emerging technologies.

Issue 10 – Amend Process to Change National Laws

WAFIC notes the current requirement that changes to regulations be agreed by all States and supports the Panel Finding 10 that this acts as a barrier to flexibility and responsiveness to innovation.

The exemption framework used to manage delays in approval only adds to create inefficiency, confusion, and a time and cost barrier for operators and is not a suitable way to regulate beyond providing short term relief, facilitating temporary operations.

WAFIC supports the Panel's view that now that IGA has been terminated and AMSA has taken over full-service delivery of the National System the responsibility for changes should be transferred solely to the Commonwealth and AMSA. However WAFIC strongly supports that the retention of the existing requirement that the Federal Minister consult with State and Territories, and industry, before making regulations

Issue 11 – Future Proofing National Law Framework

WAFIC supports the views that emerging technologies are not well addressed by the National Law framework (eg autonomous systems) and agrees that the adoption of earlier recommendations in the Panel Report (*ie establishment of a regulatory risk based model, the simplification of certification requirements, an increase in the flexibility and adaptability of the Regulations and greater rapport with industry*) will enable AMSA to address at least in part, some of the issues raised by stakeholders.

WAFIC strongly supports **Recommendation 12 that** AMSA should set up a taskforce, (including DCV industry sector representation) to consider implementation of the Panel's recommendations set out in the Phase 1 - Draft Interim Report and how to future proof the National Law framework to regulate new and emerging technologies.

ENDS
