Australian Maritime Safety Authority

Blueprint for the future regulatory arrangements under the National System for Commercial Vessel Safety (Streamlining Review)

Consultation Feedback Report

October 2014

Contents

Executive summary

On 1 July 2013, the National System for Domestic Commercial Vessel Safety began. The National System brought eight sets of rules together into one national scheme and is based on nationally-agreed standards for commercial vessels.

The National System provides a platform from which the effectiveness of marine safety regulation can be improved and the government's deregulatory goals can be met. In November 2013, national Transport Ministers agreed that a 'Streamlining Review' should commence immediately, to ensure that the National System achieves significant safety and economic returns.

Potential streamlining opportunities, informed by a detailed risk analysis of the fleet, were identified in 13 key areas of the National System, including coverage, certification and survey. These concepts were described in consultation materials that were available on the Australian Maritime Safety Authority (AMSA) website, including:

- National System for Domestic Commercial Vessel Safety - Streamlining Concepts;
- The streamlining concepts at a glance; and
- Streamlining concepts long document.

From May to July 2014, public consultation occurred on the Streamlining Review. As part of the consultation, stakeholders were asked:

- what they thought of the streamlining concepts identified;
- whether they had identified inefficiencies in the system that should be reviewed;
- whether there was anything in the rules that applied to them that did not make sense, particularly in terms of achieving safety outcomes;
- if there were any major safety failings that needed to be addressed; and
- how they would like to see commercial vessel regulation change.

Face to face consultations were undertaken around Australia, at including at 24 open consultation sessions attended by approximately 800 stakeholders, one round table discussion with key industry representatives and presentations at industry association meetings. In addition, 79 written submissions were received.

The Streamlining Review was overwhelmingly supported by industry. Stakeholders saw it as a unique opportunity to resolve concerns with how the National System had been implemented, and to remove unnecessary red tape in marine safety regulation generally.

A number of the streamlining concepts were strongly supported nationally. In particular, the conceptual changes to the 'C' operational area category, increased National System survey 'cut-offs', reduced periodic survey arrangements and the proposed changes to the design and construction and crew competency standards were welcomed.

Other streamlining concepts met a mixed response. The certification arrangements were particularly vexed, as stakeholders held divergent views on the value of the Certificate of Survey and the Certificate of Operation. The conceptual changes to the 'non-survey' category were seen as undermining safety by some and 'not going far enough to remove red tape' by others.

All of the streamlining concepts have been modified – to varying degrees – as a result of the consultation. Stakeholders suggested adjustments, alternative approaches and parallel or complementary reforms which will ensure that the reforms are meaningful. Additional, valuable streamlining reforms were also proposed by stakeholders, in particular the:

- need for a 'C-Restricted' category of operation;
- introduction of a new, entry level Certificate of Competency ('Coxswain 3'); and
- removal of out-dated equipment survey obligations (such as compass adjustments).

All issues raised by stakeholders, at both the face to face consultation sessions and through the written submissions, are identified in this report, together with a response to each issue. It is emphasized that the comments contained in this report have been made by stakeholders, and do not necessarily reflect the views of the National Regulator.

The responses contained in this report provide an overview of the way forward on each issue and the likely changes that will be made to the National System as a result of the Streamlining Review. Many of the concepts need to be developed further before they can be implemented, which may involve further and separate consultation with stakeholders.

More information on the reforms that are being and will be made as a result of the Streamlining Review will be made available on the AMSA website at www.amsa.gov.au.

1. Streamlining concept #1: making the regulations simpler

The National System currently comprises of many layers of regulations, including Marine Orders, standards and a large number of exemptions.

1.1 The streamlining concept

This streamlining concept involves making the regulations and rules simpler, more accessible and easier to identify and apply, which will lead to more consistent application and interpretation of the requirements.

Under a streamlined regulatory structure, the Marine Orders would contain all of the outcomes required to be met by industry in the design, build, survey, certification and operation of commercial vessels. The National Standard for Commercial Vessels (NSCV) would be streamlined and would contain 'taken to comply' technical specifications, which, if met, satisfy the outcomes required by the Marine Orders. However, industry would be able to apply an alternative method of complying with the Marine Orders, provided the specified outcomes are achieved.

In addition, the National Standard for the Administration of Marine Safety (NSAMS) would be rationalised and its key requirements (such as the NSAMS Section 4 survey schedules) incorporated into Marine Orders and guidance materials. NSAMS was developed in the context of eight independent marine safety regulators and, in its current form, is not consistent with the National System.

Importantly, the number of Exemptions would be significantly reduced by moving the arrangements into the Marine Orders or Regulations. This would reduce the need for multiple instruments to be read together in order for the requirements to be identified.

1.2 Support for the concept

Stakeholders were supportive of simplifying the current regulatory arrangements. One stakeholder commented that the current set of regulations were too complex, which made it difficult to identify and comply with every small rule and piece of legislation. Another noted that the current complications made the system too open to interpretation.

> Any simplification will lead to efficiencies in implementation, application, understanding and ease of enforcement.
>
> Marine industry association

Stakeholders also supported moves to improve consistency in administration. Consistency in the interpretation of the standards and regulatory requirements was a key issue for industry and a theme at every public consultation and in submissions.

> The common thread we are fielding from clients and other industry colleagues is that of consistency in both interpretation and application – particularly of existing standards (NSCV) but increasingly of the regulatory framework under the SNJ.
>
> Tommy Ericson, Aluminium Boats Australia Pty Ltd

Examples were provided of similar vessels in similar operations being treated differently – even by a single marine safety agency (delegate of the National Regulator).

Inconsistency creates uncertainty for operators and boat builders, and was seen as a major business risk for many stakeholders. Stakeholders saw that the simplification of the regulations would support consistency in the interpretation and application of the requirements. One stakeholder submitted that they had received six different directions on a single issue from one marine safety agency.

Maintaining separate standards

Some stakeholders argued that standards, such as the NSCV, should remain separate instruments to Marine Orders. They considered that standards were more difficult to amend than Marine Orders, as a reference group must be formed to consider proposed changes. The consultation process for changing standards was also supported.

They also argued that Marine Orders were more difficult to use than the existing NSCV or USL Code. Some sectors of the industry were not familiar with Marine Orders, and considered that putting more requirements into the Marine Orders would not assist industry. Another stakeholder argued that the NSCV already provides the desired performance-based approach and is familiar to industry.

However, one stakeholder submitted that Parts D (Crew Competency) and E (Safe Operations) of the NSCV should be incorporated into Marine Order 505 in order to establish an integrated Marine Order. It was also suggested that the NSCV become a Code of Practice or guidance material, in order to remove one layer of regulation.

Streamlining the national standards

There were a large number of comments on the difficulties associated with reading and applying the NSCV.

One stakeholder saw that the NSCV's overuse of referencing other documents and standards made it very difficult to apply, particularly as these other standards and documents often referenced further documents. In addition, the referencing of Australian Standards was objected to on the basis of cost – as Australian Standards cannot be accessed without a fee.

Another stakeholder suggested that the NSCV should be indexed, to improve its accessibility.

Other stakeholders supported the introduction of a more prescriptive national standard, so that it is easier to interpret and apply.

Changes to the exemption arrangements

Stakeholders supported the concept of folding exemptions into standards wherever possible. Stakeholders saw standards as less vulnerable to changing political or regulator opinion, and as such provide greater certainty to industry than exemptions.

It was requested that detailed engagement occur with stakeholders who will be affected, as part of the process of folding the exemptions into the Marine Orders or standards.

1.3 Concerns with the streamlining concept

One stakeholder was concerned that removing NSAMS 4 was 'removing years of hard work'.

It was also suggested that the proposed changes would not make the rules simpler and more accessible, as all the elements of the existing system would remain.

While supporting simplifying the structure of the regulations, another stakeholder argued that the rules themselves should not be simplified.

> The national system is a set of technical standards and regulations that ensure minimum standards are met to ensure the safety of the occupants of the vessel. If there is an identified safety issue or risk then amend the standard to rectify the issue. Making them simpler will result in more confusion not less and possibly more proscriptive outcomes.
>
> Sean Johnston

Finally, one stakeholder did not support the concept of alternative methods of compliance with the Marine Orders, on the basis that the National Regulator did not have the resources required to ensure that the alternative compliance mechanisms met the required outcomes.

1.4 Guidance material

Many stakeholders supported the use of guidance and other material to provide them with a basic list of their obligations under the National Law. They found the 'Equipment List' on the AMSA website to be particularly beneficial, and requested that it be replicated across other areas of the NSCV.

It was also suggested that:

- the National Regulator consider replicating Marine Safety Queensland's 'Small Ships Manual' to assist operators to comply with the law. This manual was treated seriously

by operators and was often carried in the wheel house of a vessel. It was considered particularly useful for Coxswains;

- there should be clearer guidance on muster and drill requirements under Part E of the NSCV; and
- there needs to be clear guidance on the manning requirements for vessels not required to be in survey.

It was also noted that there continues to be a misunderstanding of the grandfathering arrangements and requirements – both by industry and the regulator. Clearer rules and more guidance should be provided on this issue.

1.5 Response to the feedback on concept #1

Given the desire for a simpler regulatory structure, and the difficulties associated with applying the current national standards, the NSCV and NSAMS 4 will be incorporated into Marine Orders or guidance material. This does not imply that the content of these documents will be lost – rather, the content will be reviewed and produced in a more accessible format as part of the law or guidance material. Implementation of this approach will occur over time, as instruments are revised.

The process for developing and amending Marine Orders involves consultation with stakeholders, regulatory impact analysis (where appropriate) and registration of the Marine Order on the Federal Register of Legislative Instruments. It is similar to the process for developing standards, but Marine Orders must also be tabled in each House of the Commonwealth Parliament and may be disallowed by either House.

The new regulatory structure will ensure that there is a streamlined 'taken to comply' approach detailed in the guidance material, which is easier to access, interpret and comply with. In addition, the guidance material on the National System will be strengthened and moved to a 'one stop shop' Domestic Commercial Vessel (DCV) Manual. The comments provided by stakeholders will be taken into account in the development of this manual and in the implementation of the new regulatory structure.

In addition, 'advisories' will be used to alert delegates and industry to new interpretations, equivalent solutions, regulatory changes and emerging issues.

2. Streamlining concept #2: alignment with other regulatory regimes

Currently, workplace health and safety (WHS) laws and fisheries management laws operate alongside the National System.

2.1 The streamlining concept

This streamlining concept involves considering opportunities to remove conflicts and improve alignment between marine safety and WHS and/or fisheries management regulations. For example, there may be conflicts in first aid kit obligations or vessel design requirements.

Opportunities to leverage upon the other regimes will also be considered. However, each regulatory regime serves a specific purpose and may operate more effectively independently.

Stakeholders were asked to provide examples of where marine safety requirements or inspections could be better aligned with other systems.

2.2 Support for the streamlining concept

Many stakeholders supported an improved alignment between regulatory requirements, and in particular supported the acceptance of a safety management system (SMS) that covered both WHS and marine safety issues. See Concept 6 (Chapter 6 below) for more discussion on the SMS issue.

Conflicts between WHS and marine safety first aid requirements were noted, for example, conflicting rules around the carriage of paracetamol. Another example of conflict was a WHS requirement for liferafts to be tied down, while marine safety requires the liferafts to be unsecured (so that they float in the case of an incident. If they are tied down, they cannot be immediately deployed which poses a safety risk).

One stakeholder also submitted that the WHS requirements for confined spaces did not take into consideration vessels and vessel operating practices, and that the current application of land-focussed confined space requirements to vessels and pontoons was problematic.

Another stakeholder argued that the application of fisheries management tools, such as restricting vessel size or engine power, can compromise vessel safety.

The need for inspections of a boiler by two different agencies (WHS and marine safety) was questioned. The vessels were inspected and certified by Lloyd's Register, a classification society. This certification was accepted by the National Regulator. However, the WHS agency required drawings of the boiler to be reverse-engineered and submitted for approval against the relevant Australian Standard – it was submitted that this was a costly and unnecessary expense.

Stakeholders suggested that regulators agree on which agency is the 'lead agency' where there are common 'touch-points' with industry. This would remove the need for the operator to deal with conflicting requirements and disagreements between agencies. It was also suggested that protocols addressing 'grey areas' be developed, and that these be made publicly available.

Some stakeholders supported marine safety and WHS or fisheries inspections taking place on the same day, so that the 'down time' for an operation was minimised. Another suggestion involved a tiered system of audit, agreed between regulators, whereby a series of increasingly thorough audits would satisfy any audit or inspection requirements.

A stakeholder in the charter sector commented that they have a lot of different regulators to deal with.

2.3 Concerns with the streamlining concept

A number of stakeholders submitted that each regulatory area should be kept separate. Industry is accustomed to dealing with the different regulators. In addition, the audits and inspections can be highly specialised and are not easily combined. One stakeholder noted that, although it would be 'ideal' if inspections could be combined into a single process, there would be a significant risk that the marine safety inspections would become more inconsistent if carried out by other agencies.

In addition, it was suggested that, if the other regulatory regimes have not undertaken a streamlining and simplification process, there would be a danger that the 'streamlined' National System would align itself with a more complicated regime (such as WHS), thus negating the benefits of simplification.

Other stakeholders raised concerns regarding WHS and other inspectors with no maritime knowledge reviewing marine safety aspects of a vessel or SMS. An example was provided whereby a WHS inspector had issued a non-compliance because the lifejackets on the vessel did not have lights, even though these were not required under the NSCV (as the vessel operated in sheltered waters only).

The feasibility of greater coordination between regulators was questioned. Given the difficulties in achieving national consistency on WHS law, was consistency or coordination between WHS and marine safety possible? One stakeholder cautioned against transferring risk, regulatory oversight and resource allocation from one agency to another, as there are multiple WHS regulators and not a nationally harmonised WHS system as yet.

Many stakeholders already prepared SMS that satisfy both WHS and marine safety obligations, and did not see any duplication in their SMS obligations. See Chapter 6 below for more discussion on the SMS issue.

It was also suggested that this concept would not be relevant in Victoria, where WHS and fisheries agencies do not inspect commercial vessels without the assistance of a Transport Safety Victoria surveyor.

2.4 Other comments

It was suggested that there be a specific WHS agency for the marine sector. This would remove the need for separate SMSs and prevent unworkable land-based WHS requirements from applying to domestic commercial vessels.

Finally, stakeholders noted that Western Australia had not yet adopted the national WHS laws, and asked whether this would impact on the alignment concept.

2.5 Response to the feedback on concept #2

Stakeholder concerns with reliance on other (non-maritime) agencies to review or inspect marine safety issues have been noted. Bilateral discussions with other agencies will continue, in order to explore overlaps and common 'touch points' with industry. Where appropriate, new Memorandums of Understanding (MOUs) will be developed to identify the 'lead agency' on areas where responsibilities overlap.

It is noted that there are a large number of fisheries and WHS agencies around Australia. As a result, the achievement of greater coordination should be seen as a longer term and ongoing process. It involves dealing operationally with other agencies to look at ways that duplication or conflicting requirements can be removed or avoided, and should not be affected by the lack of national WHS harmonisation.

3. Streamlining concept #3: simplifying what a 'commercial vessel' means

There is currently some uncertainty regarding the extent to which 'incidental commercial use' will cause a vessel to be a domestic commercial vessel (DCV). Exemptions have been issued to reduce the impact of the National Law on small vessels used for bait gathering or to record sporting and recreational activities.

3.1 The streamlining concept

The streamlining concept involves clarifying the scope of the National System in order to remove uncertainty and prevent requirements from being applied to vessels which are outside of the law.

Under the streamlined approach, vessels which are:

- registered as recreational vessels;
- not primarily used in connection with a commercial, governmental or research activity; and
- owned by the person operating the vessel,

would not be commercial vessels and would not be subject to the National Law, even where the operator is paid a nominal fee to cover the cost of an activity. This would include privately owned vessels which could otherwise be commercial vessels because they are used:

- for bait gathering;
- to record sporting or recreational activities;
- to support research activities on an ad-hoc basis;
- as yacht race committee vessels; and
- incidentally as a volunteer search and rescue vessel.

However, it would be important to ensure that a loophole is not created which allows large private vessels engaged in commercial activities to fall outside the National System because they have recreational registration. Options for achieving this include 'not-for-profit' tests and 'maximum time per week spent undertaking the activity' cut-offs.

3.2 Support for the streamlining concept

Many stakeholders agreed that this type of incidental commercial use should not cause a vessel to be a DCV.

One stakeholder strongly supported the streamlining concept. They argued that many boat owners using their vessels for freelance writing, film making or photojournalism would not be aware that they were operating a domestic commercial vessel. These 'commercial' activities were undertaken in conjunction with using the boat recreationally, and the application of commercial requirements would be prohibitive to the endeavours. They proposed that a general

exemption for creative and artistic endeavours be issued, similar to the Australian Taxation Office's treatment of 'hobby' or 'creative' activities which earn minimal or uncertain income.

Some stakeholders also emphasized that yacht race vessels should not be required to meet commercial vessel standards as the innovations developed for race vessels filter down and assist the whole industry.

Stakeholders also generally agreed that more consistency and clarity was required around the definition of commercial vessel.

It was suggested that the National Regulator take into consideration the insurance industry's perspective on what a commercial vessel is, and align with this where possible.

It was also noted that recreational fishing vessels are not registered in the Northern Territory, and this would need to be taken into account when amending the definition.

3.3 Concerns with the streamlining concept

One stakeholder argued that the safety requirements for the vessels should be addressed before they are excluded from the National Law.

Others submitted that the words 'not primarily used in connection with a commercial, governmental or research activity' would create more confusion, not less, and may encourage rogue operators by making it harder to apprehend operators who claim that the vessels are recreational when they are charter, hire and drive or fishing vessels. Close monitoring would be required to ensure that privately owned vessels and their operators do not use this as a loop-hole to earn revenue or run a business.

It was suggested that 'incidental' commercial use be managed through an exemption process, which allows the National Regulator to determine if the proposed use is allowable and safe.

> There needs to be very clear and specific guidelines regarding "what's in and what's out". We do not want to see loopholes created for vessel and vessel operators who are engaged in commercial operations.
>
> Industry association

One stakeholder referred to a recent case in New Zealand involving the 'FV Easy Rider', which was overloaded when it capsized in gale force winds. As a fishing vessel, FV Easy Rider should not have been carrying passengers. One of the recommendations of NZ's Transport Accident Investigation Commission required clarifying the rules and processes for switching a vessel between commercial and recreational use.

3.4 Response to the feedback on concept #3

Given the feedback from stakeholders, the amendment put forward is considered unlikely to provide greater certainty due to the difficulties associated with 'primary' and 'incidental' use, and the risk of providing loopholes for 'rogue' operators.

This issue will be considered further, and the definition of commercial vessel will not be amended as proposed at this stage.

It is noted that the National Regulator has mechanisms in place to manage borderline vessels and issues without amending the definition of commercial vessel. Where the National Regulator considers that a vessel:

- is not captured by the definition of commercial vessel, guidance material can be used to make this view publicly available. A recreational vessel used incidentally as a search and rescue vessel (eg in an emergency) or as a research vessel (eg assisting in fisheries research activities) are two examples of vessels that are not considered to meet the definition of commercial vessels;
- may be captured by the definition of commercial vessel, but such capture achieves a perverse outcome, regulations can be used to declare that the activity does not make the vessel commercial. This approach has been used to exclude certain school vessels from the National Law; and
- is captured by the definition of commercial vessel, but, due to the nature of its activities, should not be treated as a full commercial vessel, a light regulatory touch can be applied (for example, SMS requirements only). This approach has been used for certain bait fishing and photography activities.

4. Streamlining concept #4: clarifying the 'C Class' operational area

Operational areas are currently defined using the following categories:

- unlimited domestic operations (A) – operations greater than 200 nautical miles of the coastline;
- offshore operations (B) – operations up to 200 nautical miles of the coastline;
- restricted offshore operations (C) – generally includes operations within 30 nautical miles of a safe haven;
- partially smooth water operations (D) – sheltered waters; and
- smooth water operations (E) – sheltered waters, with a low maximum wave height.

4.1 The streamlining concept

This streamlining concept involves amending the C operational area definition in order to remove the 'safe haven' concept and improve clarity regarding the limits of C Class operations.

Under the streamlined approach, 'restricted offshore operations' or the C operational area would include:

> *Operations within 30 nautical miles of:*
> - *the mainland baseline; and*
> - *specified islands,*
>
> *unless:*
> - *the operational areas are designated as D or E; or*
> - *a greater or lesser distance than 30 nautical miles is specified in a particular area.*

However, 'C' waters would not extend beyond the Exclusive Economic Zone (EEZ) and provision would be made to:

- ensure existing areas accessible as 'C' waters are preserved. In particular, due to the weather and sea conditions, the 'C' operational area in Queensland currently extends to 50 nautical miles from the mainland coast and also includes the Great Barrier Reef Region and the Torres Strait zone. These arrangements would be maintained;
- identify areas where a lesser distance should be specified (for example, some areas of the Great Australian Bight); and
- designate a specified distance (eg 30 nautical miles) of a parent vessel as 'C' operations (conditions may be imposed, such as carriage of adequate communications equipment).

The following islands would be 'specified islands' for the purposes of the definition:

- Barrow Island (WA);
- all Islands off the Northern Territory coast;
- King Island (TAS);

- Three Hummock Island (TAS);
- Hunter Island (TAS);
- Robins Island (TAS);
- Furneaux Group (TAS);
- Kent Group (TAS);
- Maatsuyker Islands Group (TAS);
- Bruny Island (TAS);
- Maria Island (TAS);
- Schouten Island (TAS);
- Tasman Island (TAS);
- Waterhouse Island (TAS);
- Lord Howe Island (NSW);
- Kangaroo Island (SA);
- Flinders Island (SA);
- North Neptune Island (SA); and
- South Neptune Island (SA).

4.2 Support for the streamlining concept

The change to the C operational area definition was strongly supported by most stakeholders, who saw it as an opportunity to remove current subjective interpretations of what is a safe haven, and to generally increase the C operational area.

There was also support for retaining the current C operational areas, where they extend beyond 30 nautical miles – for example, in the Great Barrier Reef region.

In Western Australia, stakeholders saw the change as a means of addressing the Abrolhos Reef situation (see 4.4 below). Government stakeholders saw that the change would make it easier to conduct compliance and enforcement activities.

Parent vessels

There was particular support for including 'a specified distance from a parent vessel' as part of the new C operational area definition. One stakeholder noted that it would be particularly valuable for line boats on Floating Production, Storage and Offloading units (FPSOs), and should be pursued as a 'matter of urgency'.

The need for conditions on this (such as requiring certain communication equipment) was noted, however some stakeholders believed such conditions should be managed through the SMS and not built into the definition of the C operational area.

It was requested that consideration be given to allowances for D Class vessels operating with parent vessels in C operational areas.

4.3 Concerns with the streamlining concept

One stakeholder argued that the amendment would not make the interpretation of the C operational area clearer, as the safe haven concept was well understood by industry.

It was also submitted that vessel size and journey time should be factored in, rather than allowing the blanket change. For example, a long journey along the coastline may be high risk and not suitable for C Class vessels.

In addition, stakeholders argued that the concept of the safe haven was designed to ensure that C Class vessels are able to seek shelter within a reasonably short period, in foul weather. The removal of the safe haven concept would significantly undermine the safety of C Class vessels, as the coastline is not equivalent to a safe haven. In fact, the coastline can pose the greatest level of risk.

In addition, the equipment requirements applied to C Class vessels are based on the assumption that they remain within 30nm of a safe haven. As vessels move further away from adequate shore based support, they should become a more independent platform within themselves. As a result, it would be dangerous to change the definition of the C operational area without reviewing the requirements of the NSCV.

It was suggested that guidance be provided on how to determine what is a safe haven for a particular vessel, rather than abandoning the safe haven concept altogether.

4.4 Reviewing current C operational area designations

Many stakeholders queried whether, in light of the definitional change, current C operational area designations would be reviewed.

It was requested that the following islands be 'specified islands':

- islands in the Kimberly region;
- of the Abrolhos islands:
  - Gun Island in the Pelsaert Group;
  - the entire island chain from North Island to the Pelsaert Group;
  - Rat Island in the Easter Group;
  - East Wallabi Island in the Wallabi Group; and
- all islands off the north WA coast (north and east from Exmouth).

This would allow C Class vessels to operate within 30nm of these islands. In support of the proposal, it was submitted that the Abrolhos Islands have numerous maintained public moorings, navigation markers, safe approaches and protection from the predominant south westerly weather conditions. In addition, Rat Island has a VHF radio repeater station, and there are three operational airstrips in the chain from the North Island to the Pelsaert Group.

One stakeholder also requested that the Montebello Islands in northern Western Australia and the Recherche Archipelago be 'specified islands' or otherwise designated as C operational areas.

Stakeholders also asked whether the responsibility for designating C operational areas and specifying islands would remain with the States and Northern Territory, or would move to AMSA as National Regulator.

4.5 Increasing the C water limit

One stakeholder requested that the C operational area be increased to 60nm, as the 30nm limit prevented their fishing charter vessels from accessing fishing zones.

In the alternative, they suggested introducing a new survey category somewhere between the current 30nm 2C and 200nm 2B.

4.6 Alignment with maritime boundaries

It was submitted that the C operational area be redefined so that it is consistent with maritime boundaries law and practice. For example, the 24nm mark could be used as the C operational area limit, as this is the contiguous zone (the area in which Australia can exert control for immigration and other purposes).

4.7 Impact on crewing and crew qualifications

Alongside the proposed change to the C operational area definition, stakeholders proposed commensurate changes to the Coxswain Certificates of Competency, including:

- allowing Coxswain 2 certificate holders to travel laterally along coast (within a 5nm limit of the coastline);
- allowing Coxswain 1 to operate to 30nm, rather than the current 15nm restriction; and
- allowing Coxswain 1 to operate within 15 nautical miles of any 'specified islands'.

4.8 3C – Restricted fishing vessels

A number of stakeholders had significant concerns with the removal of the 3C – Restricted category.

The 3C – Restricted category allowed fishing and aquaculture vessels in South Australia to operate in gulfs and bays (C operational areas) without meeting full C Class design, construction, equipment and survey requirements. The 3C-Restricted operational area encompassed the Spencer and St. Vincent Gulf systems, which provide expansive shallow and protected waters, and also included waters out to 3nm from shore.

3C – Restricted operations were subject to restrictions which maintained safety in the sheltered gulfs and bays. The category was also divided into three sub-categories:

- operations within 15nm of shore (within restricted waters);
- operations within 5nm of shore (within restricted waters); and
- operations within 3nm of shore,

with proportional safety, stability and flotation requirements.

Stakeholders argued that it was unnecessary to require vessels in these types of restricted operations to meet the full C Class construction and survey requirements.

> Many of our members are single man operations hand-lining from small trailer vessels under 7.5m. Despite my enquiries I am unaware of any "off the shelf trailer vessels" in Australia that currently meet 3C requirements for; stability, floatation and safety.
>
> Given the current seaward restrictions for the 3C RESTRICTED is 3nmi offshore, 30nmi offshore represents a tenfold increase, clearly this is an unnecessary and an unreasonable impost on many MSF businesses.
>
> Safety of our members is of upmost importance and in principle we support ongoing improvement of obtainable and practical professional standards. However it is unreasonable for businesses to be forced into a survey class up to 10 times greater than their traditional areas of operation.
>
> Importantly, for MSF operators Restricted Waters encompass 99% of our traditional fishing grounds as such the majority of our operators have vessels meeting these restricted survey requirements. As the largest class of commercial vessels in the State a number of local shipwrights also base their business around these standards.
>
> Nathan Bicknell, EO Marine Fishers Association Inc.

Due to the grandfathering arrangements of the National System, South Australian fishing vessels that were 3C – Restricted prior to 1 July 2013 can continue to operate under the 3C – Restricted arrangements. However, these grandfathering arrangements were considered by some stakeholders to create an incentive for operators to hold onto older vessels.

4.9 Allowing 'A' class operations

A number of stakeholders expressed concerns regarding the inability of a domestic commercial vessel (DCV) to operate beyond Australia's EEZ, which is generally 200nm from the Australian coastline. As the B operational area extends to 200nm from the coastline, this effectively means that no A class operations are permitted under the National System. In order to operate beyond the EEZ, vessels must comply with the *Navigation Act 2012* (Navigation Act) and meet international construction, survey and crewing standards.

An allowance is made for vessels which operated beyond the EEZ (as A class vessels) within the two years before 1 July 2013. These existing vessels are given a 'B-extended' category, which effectively allows them to continue to operate in the same manner as they did prior to the commencement of the National System.

Stakeholders argued that this arrangement created an incentive for operators to hold onto older vessels, rather than upgrading to newer, often safer, vessels.

It was suggested that the 'B-extended' category be used to allow a new DCV to operate beyond the 200nm mark, provided the vessel did not travel to an international port.

In addition, a query was made regarding the need for an exemption to travel to, from and around Willis Island, given that Willis Island is more than 200nm from the Australian coastline and that the vessel has 2B certification.

4.10 Other water designation issues

Stakeholders requested that a number of other water designations be reviewed, including the:

- C operational area off Bunbury, between McKenna Point and the Leschenault Estuary entrance;
- C operational area immediately off Four Mile Beach in Port Douglas; and
- C operational area between Island Point in Port Douglas and Double Island in Cairns. One stakeholder noted that these waters were quite sheltered with close to shore shipping lanes. The current designations mean that D Class vessels cannot move from Port Douglas to Cairns for refits, urgent repairs or sunset cruises along Four Mile beach, and seem inconsistent with the designation of waters 10nm offshore to Low Isles as sheltered waters.

It was requested that these be reviewed and designated as D operational areas.

Another stakeholder requested clarification on the limits of sheltered waters and suggested that there were inconsistencies across jurisdictions in the definition of sheltered waters. A nationally consistent approach to sheltered waters was proposed.

4.11 Response to the feedback on concept #4

<u>Clarifying the 'C Class' operational area</u>

Work on redefining the 'C' operational area has commenced. It is envisaged that the new 'C' operational area will include waters:

- 30nm from the Baseline of the mainland and specified islands. In addition, current C water designations, beyond 30nm, will be maintained, and areas where the C operational area should be less than or greater than 30nm will be specified; and

- 30nm from a parent vessel, where the:
  - vessel is certified as a Class C vessel;
  - vessel can be recovered on board the parent vessel in any sea conditions, without risk to the vessel or its occupants; and
  - environmental conditions remain within the operational envelope of Table 6 of Part B of the NSCV for a Class C vessel. This means that although the vessel may be in a B operational area (with the parent vessel), the conditions on the day must remain within the C operational area envelope, as set out in Part B of the NSCV.

Consideration is being given to areas in which the C operational area should be less than or greater than 30nm offshore in a particular location, due to the particular sea and weather conditions of that area (for example, 30nm may not be appropriate in some areas of the Great Australian Bight).

State and Territory marine safety agencies, as waterway managers for their jurisdictions, will continue to designate C waters under the law and will review proposed changes to water designations on a case by case basis. This will include reviewing those regions identified by stakeholders, such as the islands off the north Western Australian coastline, as well as identifying areas in which the C operational area should be less than or greater than 30nm.

The National Regulator will support State and Territory marine safety agencies in the review process, to ensure that waters are designated on a consistent basis around Australia. Due to the detailed technical analysis required, it is expected that these reviews will be concluded during 2015.

In order to be designated as 'C operational areas', the following criteria must be met (from Part B of the NSCV):

- vessels are not required to bear the full force of the weather at sea – prior to encountering bad weather the vessel can cease operation and seek shelter. (Note that it is assumed that the vessel has access to timely and accurate weather forecast information);
- vessels are able to avoid gale-force weather and very rough seas;
- there is the opportunity for survival in benign conditions or rescue within a relatively short time;
- there is gusting wind pressure of up to 450 pa and wind force up to Beaufort Scale 7 (near gale); and
- the areas experience significant wave height of up to 4.5m (note that the maximum probable wave height can be up to twice the significant wave height).

Importantly, a review of the current C operational area designations has already occurred to some extent. For example, Barrow Island in Western Australia will be a 'specified island' and, as such, waters within 30nm of Barrow Island will be classified as C waters. This will extend the C operational area in Western Australia by some 1,400 square nautical miles.

It is not considered necessary to align the C operational area with the contiguous zone (24nm offshore).

The arrangements for tender vessels are contained in Exemption 05 (Tender and Auxiliary Vessels). Allowances are made for tender and auxiliary vessels operating with parent vessels in C operational areas. These arrangements are currently being reviewed (see Chapter 14 below for more information).

Impact on crewing and crew qualifications

The Coxswain 1 will be permitted to operate in C waters. Further consideration will be given to the Coxswain 2 allowances.

C – Restricted operations

A new 'Restricted C Class' will be established, encompassing non-passenger carrying vessels in 'restricted C' operational areas. This could include vessels operating within a specified distance from shore, in gulfs and bays and in shallow waters. Scaled requirements will apply to vessels in the Restricted C Class – these arrangements are being developed.

Importantly, due to the grandfathering arrangements of the National System, South Australian fishing vessels that were 3C – Restricted prior to 1 July 2013 can continue to operate under the 3C – Restricted arrangements. This grandfathering arrangement applies indefinitely, unless incident data dictates an alternate approach. The National Regulator will continually reassess the safety of the national fleet in light of incidents, emerging risks, changing technology and/or changing expectations. This includes reassessing grandfathered vessels in the future if the need arose on a safety basis.

'A' class operations

A vessel with Australian nationality that is present outside the EEZ is automatically subject to the Regulated Australian Vessel (RAV) provisions of the Navigation Act 2012, unless the vessel is the subject of a declaration under section 19 of the Navigation Act 2012.

Currently, AMSA will only declare a vessel operating outside the EEZ to be a DCV (and under the National Law) if the vessel:

- was an existing vessel certified to engage in voyages beyond the EEZ prior to 1 July 2013, and
- does not engage in voyages to ports or places in countries other than Australia.

As part of the Streamlining Review reforms, new vessels will be able to be certified to operate beyond 200nm but within the EEZ, provided they meet the 'A Class' requirements under the NSCV. These vessels will be given a 'B-extended' classification, but will be limited to operation within the EEZ.

Willis Island is within the EEZ and domestic commercial vessels can operate around Willis Island without an exemption. A vessel with '2B' certification can apply for an exemption to operate beyond 'B' operational areas and to and around Willis Island. The need for additional safety equipment will be considered.

Other operational area designation issues

State and Territory marine safety agencies will review the other operational areas identified by stakeholders, such as the C operational areas off Bunbury and Port Douglas. The National Regulator will support State and Territory marine safety agencies in the review process, to ensure that waters are designated on a consistent basis around Australia. Due to the detailed technical analysis required, it is expected that these reviews will be concluded during 2015.

In order to be designated as 'D operational areas', the following criteria must be met (from Part B of the NSCV):

- the significant wave height does not exceed 1.5 m from trough to crest for at least 90 per cent of the time;
- vessels are able to avoid gale-force weather and rough seas;
- there are rescue facilities and/or the shoreline nearby;
- there is gusting wind pressure of up to 360 pa and wind force up to Beaufort Scale 6 (strong breeze); and
- the areas experience significant wave height of up to 2.5m (note that the maximum probable wave height can be up to twice the significant wave height).

5. Streamlining concept #5: vessel and operation certificates

The current vessel and operation certification arrangements of the National System include:

- Certificates of Operation;
- Certificates of Survey; and
- Unique Identifiers.

The Certificate of Operation provides permission to operate one or more vessels relating to a marine business. By 2016, all new and existing vessels must be on a Certificate of Operation.

The Certificate of Survey provides evidence that a vessel has been surveyed and meets specified standards for construction and safety equipment. It is issued to all vessels in survey.

The Unique Identifier uniquely identifies a vessel and stays with the vessel over its life, even if it changes ownership. All new vessels must obtain and display a Unique Identifier. By 2016, all existing vessels must display a Unique Identifier.

5.1 The streamlining concept

The streamlining concept involves reducing the certification requirements so that vessels and operations are issued one certificate only, and a large number of low risk vessels are not required to be on any certificate.

A Certificate of Survey would be issued on request only. Commercial operators may elect to continue to obtain Certificates of Survey for commercial reasons, such as for insurance or contractual purposes. However, for other operators, a survey report would be required for compliance purposes but no Certificate of Survey is necessary. The Certificate of Survey, when issued, would be issued for five years and remain valid provided survey reports were obtained (as required).

The Certificate of Operation would continue to provide permission to operate one or more vessels (in survey) relating to a marine business. However, the Certificate of Operation would be issued once only, and would remain valid provided:

- fees are paid;
- (if required) survey reports are received in accordance with the periodic survey schedule applying to the vessel; and/or
- (if required) SMS inspection reports are received in accordance with any required periodic inspections of the operation's SMS.

In addition, the following vessels would not be required to be on a Certificate of Operation:

- all Class 2 and class 3 vessels that are <7.5m, operate only in sheltered (D and E) and which:
  - do not carry passengers;

- do not carry goods listed in the International Maritime Dangerous Goods Code;
- are not used to operate a pile frame;
- are not equipped with plant or machinery with lifting or slewing potential (criteria to be determined);
- are not used as a landing barge;
- are not primarily used for towage;
- are not used as support vessels in the offshore oil industry;
- are not used as trawler fishing vessels;
- do not have inboard petrol engines; and
- are not fast craft (a vessel capable of maximum speed equal to or exceeding 25 knots);

- human powered vessels; and
- vessels involved in sporting/recreational activities and affiliated with a recognised body that has systems in place to manage risk (eg Yachting Australia, Surf Lifesaving, Waterski Federation).

Operators of these vessels may elect to have the vessel(s) listed on a Certificate of Operation, and all hire and drive operations would be required to have a Certificate of Operation, even if they operate only human powered vessels.

All vessels would also continue to be required to have a Unique Identifier and the operator would be required to maintain a SMS (as currently required under the general safety duties in the National Law).

In addition, all human powered vessels and all sail vessels <4m would be exempted from the requirement to display the Unique Identifier.

5.2 Issuing Certificates of Survey only on request

Divergent views were submitted on the concept of removing the requirement for vessels in survey to hold a Certificate of Survey.

Support for issuing the Certificate of Survey on request only

Some stakeholders were very supportive of the streamlining concept and saw it as an opportunity to reduce costs. They believed that many operators would obtain a Certificate of Survey only when a vessel was being sold.

A number of stakeholders had concerns about the delay between completing the survey and receiving the Certificate of Survey (delays of between 8 weeks and 5 months were cited), and the need to obtain an exemption (and pay a fee) to continue to operate without the physical certificate. These stakeholders strongly supported the streamlining concept. In fact, even operators who believed the Certificate of Survey should be retained agreed that the absence of

the certificate should not prevent a vessel from operating, if the survey itself has been completed and passed.

It was suggested that the certificate was not required for insurance purposes – as insurance companies need to see the survey report, rather than the Certificate of Survey. In addition, some insurance companies do not accept a government Certificate of Survey and insist on a private surveyor's report.

Some stakeholders noted that the streamlining concept made more sense in the context of private surveyors, where applying for a Certificate of Survey was a separate step to undergoing the survey. However, other stakeholders noted that currently a private surveyor's report goes directly to the marine safety agency and it can be difficult for the operator to obtain a copy. It was suggested that, if Certificates of Survey were not issued, the survey report should be made available to the operator and the operator should also be able to access a database containing the survey information for their vessel.

Stakeholders supported the ability to obtain a Certificate of Survey on request, if desired. One stakeholder stated that the opportunity for operators to be able to request a Certificate of Survey was a good measure as it is regularly requested.

Support for continuing to issue the Certificate of Survey

Some stakeholders saw significant value in the Certificate of Survey and would continue to obtain one even if it was optional. This was particularly the case for boat builders and for those operators whose clients required the vessel to hold a Certificate of Survey.

It was argued that a Certificate of Survey provides valuable, official confirmation that a vessel has passed survey. Display of the certificate indicates to the public and to compliance and enforcement officials that the vessel is in survey and meets commercial standards. If the certificate was not issued, this important information would only be available on the national database.

It was also argued that, as vessels would still be required to undergo survey, the cost of actually issuing the certificate was minimal and would not have a significant impact on costs. Other stakeholders suggested that insurance companies and/or financial institutions may require the Certificate of Survey for insurance and borrowing purposes.

Surveyors submitted that they relied on previously issued Certificates of Survey to confirm that a vessel has been surveyed, and queried how the arrangement would work in practice. Would a surveyor be permitted to allow a vessel to operate on the spot, without any peer review of the initial survey process? Currently government agencies review the surveyor's documentation before issuing the Certificate of Survey. If this step was removed, it was argued that there would be a risk that the individual surveyor does not have the knowledge to sign-off the initial survey process of a complex vessel.

Some stakeholders suggested that issuing the Certificate of Survey on request only would effectively transfer responsibility and accountability to the marine surveyor.

There were also concerns that there would be more delays in obtaining a Certificate of Survey if it was optional, which could be a problem for insurance or finance arrangements.

One option proposed was issuing Certificates of Survey initially only, and then again only where the vessel has been modified. This would ensure that important information was captured – such as approved equivalent solutions, stability issues, ballasting, structural design operating limits and exemptions.

Issuing one certificate only

Many stakeholders supported the issue of one certificate only, and the overall reduction in certification requirements.

> …the Certificate of Operation and the Certificate of Survey can surely be combined so as not to require both, as this seems an unnecessary duplication with consequent negative time and cost impacts.
>
> Marine industry association

There were many different views on whether the Certificate of Survey or Certificate of Operation should be retained, or whether the two certificates should be amalgamated into a single document.

It was noted that fisheries in NSW are moving towards a model of regulating the business rather than the vessel, more akin to the Certificate of Operation.

However, a large number of stakeholders argued that Certificate of Survey is familiar to industry, contains useful information, is used for insurance and other purposes and should be retained. They argued that the Certificate of Operation was not required if a well-implemented SMS, verified by audit(s), was in place.

It was suggested that the Certificate of Operation was used a revenue raiser in some jurisdictions, particularly where the full fee has to be paid each time the certificate is amended (for example, where an operation is changed from charter to tourism). Rather than issue a separate Certificate of Operation, key elements of the Certificate of Operation could be included on the Certificate of Survey.

It was also suggested that the Certificate of Operation was poorly understood and was not leading to facilitating a greater focus on operational safety. Some stakeholders argued that the Certificate of Operation created complications for operators.

However, some stakeholders supported the continued separation of survey and operational certificates, as this provided greater flexibility for managing the fleet.

Other options proposed by stakeholders

Other options suggested by stakeholders were:

- issuing the Certificate of Survey initially only. The certificate would remain valid unless circumstances changed, and would be supported by periodic survey reports as required;
- linking the Certificate of Survey to the Certificate of Operation, so that the certificates have the same renewal periods;
- accepting Classification Society certificates wherever possible;
- removing requirements to display the Certificate of Survey;
- surveyors issuing the Certificate of Survey on the spot, once the survey has been carried out to their satisfaction;
- surveyors issuing an operator a unique number as confirmation that the survey has been completed to their satisfaction, which allows the vessel to operate;
- tailoring the Certificate of Operation to the unique requirements of a vessel and its operation. The Certificate of Operation would prescribe individual conditions of use for the vessel, including what safety equipment may need to be carried. In this way, the Certificate of Operation would support greater flexibility in the regulations;
- removing the need to reissue the Certificate of Operation where there are minor changes (such as removing a vessel, replacing a vessel or the occasional use of other vessels – these issues could be dealt with through the SMS); and
- issuing a registration sticker to open boats, akin to recreational registration stickers, and removing the requirement to display the Certificate of Survey and/or Certificate of Operation for open boats.

Many stakeholders suggested that the National Regulator engage with the insurance sector on the certification concepts to ensure that the model implemented would not create unnecessary burdens on industry in obtaining insurance.

5.3 Initial issue of Certificate of Operation only

There was general support for issuing the Certificate of Operation initially only.

Stakeholders queried the impact of this arrangement on marine safety agency revenue. One stakeholder also suggested that a Certificate of Operation database be created, and the Certificate of Operation be issued in electronic form only.

However, a few stakeholders raised concerns with the proposal. They argued that renewing the certificate maintains the quality of records, allows the regulator to easily ascertain which vessels are commercial at any given time, and alerts the regulator to which operators have not paid their fees. Operators noted that the certificate provides them with information regarding the next required SMS audit and survey, which would be lost if the certificate was not reissued

regularly. It was suggested that some of these issues could be overcome through the establishment of an online system containing operator-specific vessel information, such as survey schedules.

5.4 No Certificate of Operation for small, low risk vessels and quasi-commercial vessels

A large number of stakeholders supported this proposal, provided they had the option of including small, low risk vessels on a Certificate of Operation. For example, where an operation includes a range of small and large vessels, it may be preferable to list all the vessels on the Certificate of Operation.

One stakeholder supported the removal of human powered and yacht club vessels from the Certificate of Operation requirement, as these vessels are numerous, low risk and the fleet can turn over regularly.

It was suggested that the length limit for the exemption from the Certificate of Operation be increased to <10m.

However, other stakeholders preferred that an initial Certificate of Operation be required for all vessels, as it contains important information including the operational limits of the vessel, maximum passengers and minimum crew. It was also argued that the exemption would create confusion and leave the system open to abuse.

> It is my recommendation that all ships deemed to be DCV to be issued a Certificate of Operation because the information contained in this document is needed for all parties (Shipping Inspectors, owners, crew and master, passengers) to be fully aware of the ships operational limits without ambiguity…without this, this information will only be available in the ship's SMS which is controlled and developed by the owner/master.
>
> Dave Hooper

It was submitted that the Certificate of Operation provides unambiguous evidence that a vessel is commercial. Removing the certificate would make prosecution difficult, and also make it more difficult to issue prohibition, improvement and direction notices.

It was also suggested that low-risk, quasi-commercial vessels affiliated with an organisation such as Yachting Australia should not be exempt, as this discriminates against small yacht clubs.

5.5 Vessel identification display exemptions

Many stakeholders supported the display exemption for human powered and small sail vessels.

One stakeholder noted that off-the-beach hire catamarans were predominantly either 3.96m or 4.3m. Setting the length for the exemption at 4m would result in the (slightly) shorter

catamarans being exempt from the vessel identification display requirements, and not the longer. It was submitted that these two types of catamarans are essentially the same, and, if implemented, the arrangement would create a small disincentive against the use of 4.3m catamarans. The stakeholder proposed that the display exemption be increased to 4.4m.

Another stakeholder noted that vessel identification was not being issued in some jurisdictions.

5.6 National consistency

Stakeholders criticized the inconsistent Certificate of Survey and Certificate of Operation arrangements around the country. Some jurisdictions are issuing yearly Certificates of Operation, instead of five yearly, and issuing only single-vessel Certificates of Operation, rather than a single certificate that covers all vessels within an operation.

Stakeholders supported 5-yearly multiple-vessel Certificates of Operation.

Stakeholders also noted that fees for the certificates varied significantly around Australia.

5.7 Response to the feedback on concept #5

The responses to concept #5 were varied and often conflicting. The certification issue is being considered further, with a view to:

- introducing nationally-consistent certificates;
- reducing certification requirements; and
- increasing the duration of the certificates (reducing renewal requirements).

The National Regulator is also working with delegates to reduce or remove delays in issuing certificates, and to ensure that vessels can continue to operate until the renewed certificate is issued without having to apply for an exemption.

6. Streamlining concept #6: safety management

The *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* requires the person in control of a domestic commercial vessel (DCV) operation to implement and maintain a safety management system (SMS) which ensures that the vessel and the operations of the vessel are safe.

In addition, all new vessels must comply with Part E of the NSCV (Operations) (or Part F for hire and drive vessels), which include SMS requirements. Existing vessels must also meet the SMS requirements of the NSCV by 2015 (for passenger and hire and drive) and 2016 (for all other vessels).

6.1 The streamlining concept

The streamlining concept involves removing the requirement for operators to complete a risk assessment under Part E (or Part F) of the NSCV, where they have undertaken a risk assessment and addressed the risks through another process. Under the streamlined approach, the requirement for an operator to maintain a SMS would be met where the operator complies with:

- Part E or Part F of the NSCV; or
- an internationally recognised Code (eg IMO); or
- an internationally recognised marine safety system relevant to the operation (eg the RYA Blue Book),

provided the SMS also addresses adequate crewing in accordance with Part E of the NSCV.

In addition, where the requirements of State/NT workplace health and safety (WHS) laws have been assessed as equivalent to Part E of the NSCV, an SMS prepared in accordance with WHS laws would also meet the National System SMS requirements.

6.2 Support for the streamlining concept

A number of stakeholders submitted that their WHS SMS covered many aspects of a National Law (NSCV) compliant SMS, including emergency planning for collision, man overboard and fire. The proposal to remove duplication between the documentation requirements was welcomed by these stakeholders.

> The pearling industry has strong workplace safety systems in place that incorporate the marine safety requirements for vessels. Acceptance of a one-stop document for safety management systems makes sense.
>
> Pearl Producers Association

The need for greater consistency in SMS requirements between WHS, fisheries management and the National System was emphasized.

A hire and drive operator in NSW submitted that in order to obtain an 'Eco Pass' from National Parks & Wildlife he was required to submit an SMS with almost identical requirements to the National System, but with formatting differences. The streamlining concept would remove this unnecessary duplication.

One stakeholder strongly supported the concept, and noted that the assessment of WHS SMS should be flexible enough to accept a one-stop document incorporating safety management systems across workplace safety and marine safety.

It was also proposed that:

- operators which elect to maintain an independently verified SMS to ISO 9001 should not be required to meet Part E or be subject to an audit schedule under the National Law; and
- consideration be given to covering WHS emergency plan requirements under the National Law, to remove duplication.

6.3 Concerns with the streamlining concept

One stakeholder did not agree with the proposal. It was submitted that there should instead be a requirement to consult with the workforce and unions as part of the risk assessment process. This consultation is required under WHS law.

In addition, some stakeholders already prepared SMS to meet both WHS and marine safety obligations, and did not believe that there was significant duplication in obligations.

6.4 Other comments on safety management system requirements

Many stakeholders supported the increased focus on operational safety under the National System. It was suggested that SMSs help operators manage their liabilities and avoid litigation.

The subjectivity associated with a risk assessment was noted, and the potential conflict between the regulator's and operator's assessment of risk. Stakeholders requested information on how an SMS would be evaluated.

Concerns were also raised concerns regarding companies selling SMSs online, which undermined the role of the SMS and would be unlikely to see risks managed effectively. Similar comments were made regarding the use of consultants to develop SMS documents.

There were a number of requests for more SMS guidance materials, including:

- guidance on the structure and content of an SMS;
- an SMS audit checklist; and

- the use of existing State materials, where appropriate, in order to give operators a range of example SMSs to choose from.

Some industry groups indicated that they intended to promote amongst their members the adoption of an SMS within the operator's existing WHS manuals, rather than the development of a separate marine safety SMS.

Stakeholders requested information on how long SMS documentation needed to be retained. It was noted that insurers also had documentation retention requirements.

6.5 Response to the feedback on concept #6

The acceptance of a single SMS by multiple regulators will be explored further through bilateral discussions with the agencies.

There is significant guidance material available on SMSs on the AMSA website, including sample SMS. Further guidance and training material on SMSs is under development and will take into account the questions posed by stakeholders. The SMS inspection arrangements, including the qualifications of SMS inspectors are currently being developed.

It is also noted that the WHS obligations apply to all workplaces. This means that any WHS workforce and union consultation requirements apply to DCV through WHS laws, and do not need to be replicated under the National Law.

7. Streamlining concept #7: survey exemptions

New vessels in the 'non-survey' category are exempt from initial and periodic survey, and are also exempt from Parts C (Design and Construction) and the construction aspects of Part F (Special Vessels) of the NSCV. They are subject to the General Safety Requirements (GSR) Standard (Part G of the NSCV) and operators must declare that the vessel is compliant to the GSR standard before the Certificate of Operation is issued. In addition, all non-survey vessels must comply with Parts E (Operations) or the operational aspects of Part F (Special Vessels) of the NSCV.

7.1 The streamlining concept

This streamlining concept involves expanding the non-survey category to include all (changes to current arrangements are underlined):

- vessels <12m, in sheltered (D or E) waters, which:
  - do not carry any passengers;
  - do not carry goods listed in the International Maritime Dangerous Goods Code;
  - are not support vessels in the offshore oil industry;
  - do not have an inboard petrol engine;
  - are not equipped with plant or machinery with lifting or slewing potential (criteria to be determined); and
  - are not fast craft (a vessel capable of maximum speed equal to or exceeding 25 knots),
- recreational training vessels <24m in inshore operations;
- personal watercraft (PWC);
- water-powered jetpacks (jetlevs and similar);
- human powered vessels; and
- vessels involved in sporting/recreational activities and affiliated with a recognised body (eg Yachting Australia, Surf Lifesaving, Waterski Federation).

These arrangements would apply to new vessels, however existing vessels could opt in to the new arrangements. New non-survey vessels would continue to be subject to the GSR standard. Although no initial survey is required, operators must declare that the vessel is compliant to the GSR standard. In addition, all non-survey vessels must comply with Parts E (Operations) or F (Special Vessels) of the NSCV.

An alternative option is to require vessels 7.5 - <12m in the proposed expanded non-survey category to undergo an initial inspection to confirm compliance with the GSR standard. This would not apply to recreational training vessels <24m operating inshore.

Additional compliance monitoring activities would take place to manage the risks of expanding the non-survey category. If a vessel or operation performed poorly during compliance monitoring activities, a formalised periodic inspection regime would be applied to the vessel.

7.2 Support for the streamlining concept

Many stakeholders were supportive of the extension of the non-survey category, in particular:

- the inclusion of personal watercraft and water-powered jet packs in the non-survey category;
- applying a light regulatory touch to vessels in sheltered, particularly inland, waters;
- not surveying human powered vessels.

Some stakeholders supported the concept provided they had the option of placing vessels in the non-survey category in survey.

7.3 Concerns with the streamlining concept

Some stakeholders raised concerns with the extension of the non-survey category. They saw inherent value in the survey process – having a third party survey a vessel removes the incentive for individuals to cut corners and increase risk. One stakeholder suggested that non-survey vessels can become a danger to persons onboard, other vessel owners and to the environment, when not constructed and/or maintained to the required standard.

The complexity of vessels >7.5

In addition, a number of stakeholder argued that there was a significant difference between vessels <7.5m and vessels 7.5 - <12m. Vessels <7.5m are mostly trailer vessels, while longer vessels are generally permanently docked or moored, and have shaft systems, gearboxes, generators, inboard engine installations, compartmentalisation, accommodation and so on. Vessels ≥7.5m also have significantly increased tonnage and therefore are capable of carrying much larger loads. These complexities make survey necessary for vessels ≥7.5m.

The GSR standard

Some stakeholders were concerned that the current GSR standard may not be sufficient for vessels ≥7.5m.

In addition, it was submitted that reviewing the GSR standard, so that it could be applied to vessels ≥7.5m, would lose sight of the primary benefit of the GSR standard – that is it contains a stand-alone set of requirements for low risk vessels that is easy for industry to apply. For example, the flotation requirements for vessels ≥7.5m would need to incorporate much of Part C of the NSCV.

> The GSR was designed to be a low level treatment for low risk vessels. If it is modified to capture adequate requirements to address these more complex vessels, it will no longer be a simple document, and will still require a surveyor inspection to ensure compliance.
>
> Gareth Johnson, marine surveyor

Recreational boat builders complying with the GSR standard

There were also concerns regarding the ability of recreational boat builders to build to the GSR standard. Although the (revised and strengthened) GSR standard may be the appropriate standard for these vessels, it was argued that many recreational boat builders would not build to that standard.

The option of undertaking an initial inspection of vessels 7.5 - <12m in sheltered waters (and not high risk) to confirm that the vessel complies with the GSR standard was supported as a means of maintaining safety while reducing the regulatory burden.

Self-assessment of compliance

Stakeholders argued that self-assessment of compliance with the GSR standard was not sufficient, because operators generally would not have a good understanding of the requirements.

The option of undertaking an initial inspection to confirm that the vessel complies with the GSR standard was supported by some stakeholders as a means of overcoming the limitations of self-assessment. It was also noted that operators may elect to place a vessel into survey to confirm compliance.

Other options proposed by stakeholders as a means of reducing the risks associated with self-assessment included:

- random and spot checking of compliance by Marine Safety Inspectors (MSIs), delegates and the National Regulator;
- developing a check list (based on what surveyors would look at on the vessels) or 'uniform survey report template' to assist operators to undertake the self-assessment;
- ensuring that the GSR standard is very clearly written, so that meaning is given to a self-declaration process.

Cost shifting

It was submitted that reducing initial survey requirements would result in industry spending more money to demonstrate to third parties (such as insurers) that a vessel meets the national standard.

However, it was also submitted that survey reports for insurance purposes were conducted independently of the regulations and would not be affected by the streamlining concept.

Requiring some low level of survey

There was support from some stakeholders for requiring an initial and/or five yearly survey for vessels in the non-survey category.

7.4 Treatment of other low risk vessels

Small vessels in C waters

Two stakeholders argued for reinstating the previous Queensland arrangements for small vessels in C waters, as the current arrangements (including the streamlining concepts) make it virtually impossible to build a small research boat economically.

> Requiring small research boats to be "in survey" is unwarranted for the GBR Region given its numerous sheltered areas, the long-term safety record of small research vessels operating in this region, and because these vessels generally operate from a support base such as a research station, mother ship or similar.
>
> Dr Lyle Vail AM, Dr Anne Hogget AM, Lizard Island Research Station

It was noted that under the previous Queensland system there were many boat builders to choose from for small vessels operating in restricted offshore operations. Due to the requirements of the National System, the choice had become more limited.

It was proposed that the survey exemption be extended to non-passenger class 2 vessels <7.5m operating in the GBR and Torres Strait regions, as a means of addressing these issues. However, there may have been some confusion over the impact of the survey exemption, as some stakeholders assumed that vessels 'exempt from survey' would still be subject to an initial survey or inspection.

'Off-the-beach' fishing vessels

It was submitted that 'off-the-beach' fishing vessels <7.5m should be included in the non-survey category, even where they are operating in C operational areas. These vessels have very tight operating parameters that maintain safety.

Treatment of aquaculture vessels

Other stakeholders submitted that the non-survey category should include vessels operating in aquaculture leases, particularly in northern parts of Australia, in C operational areas. These vessels also have tight operating parameters – for example, many operate in pairs within the confines of an aquaculture lease, only during daylight hours and within the line of sight (and VHF radio contact) of a land base or mother-ship.

Small passenger vessels

A number of stakeholders questioned whether it was appropriate to exclude all passenger-carrying vessels from the non-survey category, and requested that consideration be given to:

- small passenger-carrying vessels on inland waters (such as dinghies); and
- vessels <7.5m with ≤4 passengers in sheltered waters.

One stakeholder requested that the treatment of passenger-carrying glass bottom boats operating in and around the Great Barrier Reef be reviewed. Although they operate in D or C operational areas and are over 12m in length, they are not complicated vessels, comprising only or 1, 2 or 3 outboards with low voltage DC systems of power. As such, survey requirements may not be warranted.

Vessels <10m

It was also suggested that all vessels <10m be exempt from survey requirements, as this is the approach taken in New Guinea.

7.5 Transitional arrangements

The treatment of PWC purchased before the streamlining concept is implemented was questioned. Stakeholders were concerned about having to delay purchases until the new arrangements were in place.

7.6 Passenger and non-passenger vessels

Some stakeholders submitted that there should be no differentiation between passenger vessels and vessels with crew, as the risks to both passengers and crew are the same. In terms of regulatory treatment, the operational area should be the main consideration, rather than whether or not the vessel is carrying passengers.

7.7 'High risk' list

Under the streamlining concept, the following 'high risk' vessels are automatically in survey, even where the vessel otherwise meets the non-survey criteria:

- vessels which carry goods listed in the International Maritime Dangerous Goods Code;
- vessels which are support vessels in the offshore oil industry;
- vessels which have an inboard petrol engine;
- vessels which are equipped with plant or machinery with lifting or slewing potential (criteria to be determined); and
- vessels which are fast craft (a vessel capable of maximum speed equal to or exceeding 25 knots).

Stakeholders submitted the following comments on the 'lifting or slewing potential criteria':

- lifting momentum needs to be considered;
- the previous 3 tonne cut-off leads to excessive and unnecessary compliance costs; and
- the criteria should have regard to the impact of the crane or davit on vessel stability – for example, any commercial vessel which has a device or item of equipment operating on the deck which through its operation has the potential to materially affect the stability of the vessel should be in survey.

The treatment of barges and when they would be considered 'high risk' was also questioned.

In addition, a number of stakeholders questioned the definition of 'fast craft' as a vessel being capable of a maximum speed equal to or exceeding 25 knots. It was submitted that a predetermined maximum speed could lead to vessels being under-powered and possibly compromising safety.

> Due to the large variation in the types of vessel in this class a set maximum speed should not be imposed. The powering of vessels is a function of the design and suitability of a vessel and the one maximum speed fits all will not work.
>
> Research vessel operator

7.8 Recreational training vessels

One stakeholder questioned the (current) survey exemption for recreational training vessels <24m in inshore operations. They argued that recreational training organisations are making financial gain from their operation, the vessels carry passengers, and should be subject to survey.

The stakeholder also submitted that the definition of passengers in the NSCV be revisited, with a view to capturing trainees on recreational training vessels.

7.9 Reviewing the 'D' operational area

Concerns were raised regarding the operation of non-survey vessels in D operational areas. Non-survey vessels may not be built to withstand the D operational area conditions in extensive commercial use, and the D operational area should be reviewed in line with the changes to the non-survey category.

7.10 Engaging with insurers

Stakeholders emphasized the need for the National Regulator to engage with the insurance sector, to ensure that they were informed and accepting of any changes to the survey requirements.

7.11 Response to the feedback on concept #7

Although mixed views were submitted, there was significant support for the streamlining concept. The non-survey category is currently being considered, with a view to progressing the streamlining concept as proposed.

A Reference Group is responsible for reviewing the GSR standard, so that it can be applied to vessels 7.5 - <12m. The Reference Group will consider the issues raised by stakeholders,

including the potential complications associated with vessels ≥7.5m. See concept #11 (Chapter 11 below) for more information on the review of the GSR standard.

The declaration of compliance to the GSR standard, and/or other requirements, are currently being considered. However, the non-survey vessels will be subject to random and spot checking of compliance to the GSR standard, as well as to a risk-based and targeted SMS auditing regime.

The inclusion of personal watercraft and human powered vessels in the non-survey category is being implemented as a matter of priority. Until this is completed, operators can apply for an equivalent solution to achieve the same outcome. It is anticipated that, under the revised GSR standard, new personal watercraft would need to comply with ISO standards.

'High risk' list

The 'high risk' list is currently being considered. It is envisaged that it will at least include vessels which:

- carry dangerous goods;
- have an inboard petrol engine;
- are equipped with plant or machinery with lifting or slewing potential that could materially affect the stability of the vessel. Further consideration will be given to the criteria underpinning this element;
- are fast craft. Further consideration will be given to the fast craft threshold; and
- are houseboats. The survey requirements for houseboats and other overnight hire and drive vessels are currently being considered.

Barges are considered 'high risk' when they meet any of these criteria. In addition, barges ≥12m or operating beyond sheltered waters are subject to the NSCV and NSAMS 4. NSAMS 4 is currently being reviewed – see concept #9 (Chapter 9) for more information on the review of NSAMS 4, and concept 11 (Chapter 11) for more information on the changes to the NSCV.

Treatment of other low risk vessels

As outlined above, the non-survey category is currently being considered. This includes consideration of the potential inclusion of some small and low risk passenger-carrying vessels.

In addition, a new 'Restricted C Class' will be established, encompassing non-passenger carrying vessels in 'restricted C' operational areas. This could include vessels operating within a specified distance from shore, in gulfs and bays and in shallow waters. Scaled requirements will apply to vessels in the Restricted C Class – these arrangements are being developed.

Other C Class vessels <7.5m will be subject to limited survey regime (see concept #9 below). Although the NSCV will apply to these vessels, the requirements for small, light and low risk craft are being reviewed and will be contained in a new 'light and low risk' vessel standard, which will replace the current Part F2 (Leisure Craft) of the NSCV and the GSR standard.

Passenger and non-passenger vessels

Large passenger carrying vessels have the most significant risks because of the potential consequences of an incident. Due to the wide divergence of passengers that could be aboard the vessel, in terms of health, mobility and swimming ability, it is imperative that the safety of passengers is prioritised regardless of the waters in which the vessel operates.

In addition, passengers generally cannot be expected to know the level of risk and have little or no control over those risks. As a result, a diligent 'level of care' is owed to the passengers through government safety oversight. Given the unknown nature of the passengers aboard the vessel, and the operator's acceptance of responsibility for the passengers, a high degree of regulatory oversight is justified. As outlined above, an exception may be been made for small passenger vessels, carrying only a few passengers and operating only in sheltered waters. This issue is being considered further.

Recreational training vessels

A recreational training vessel is a commercial vessel where training is provided on the vessel on a fee-for-service basis.

Pat C of the NSCV does not include appropriate standards for recreational training vessels. A vessel built to commercial standards such as Part C of the NSCV will have controls that are designed to be operated by a professional crew and may include functions not normally found on recreational boats. If a recreational vessel complied with the commercial vessel requirements for bilge systems and one-way valves, the vessel would have additional and confusing arrangements that the recreational boater would not be trained to use.

In addition, it is often not possible to replicate some of the safety challenges associated with recreational boats on a vessel that is compliant with commercial vessel standards, because of the commercial vessel's higher stability and the prohibition of arrangements like inboard petrol engines.

In order to train a recreational boater, the boater is given practical experience in dealing with the challenges they may face while operating a recreational boat. Typically, the qualification is only awarded once the trainee can demonstrate on water that these skills have been mastered. Thus, the training must occur on a vessel built and equipped to a recreational standard and not a commercial standard.

Trainees on board a recreational training vessel are not passengers and are considered to be 'special personnel' where they:

- have knowledge of safety procedures and handling of safety equipment on board;
- are carried on board in connection with the special purpose of the vessel (ie, to provide training); and
- are able bodied.

This means that, in order to be special personnel, trainees must be inducted into the safety procedures and safety equipment of the vessel. Otherwise, they would be considered to be ‘passengers’ and the vessels would be subject to survey.

8. Streamlining concept #8: survey limits

Currently, for new vessels ≥35m, and existing vessels ≥35m constructed to the NSCV, the deemed to satisfy solution under Part C (Design and Construction) of the NSCV is design, construction and maintenance in accordance with the rules of a Classification Society.

This means that vessels ≥35m must be in Class, unless an equivalent solution or grandfathering arrangement applies.

8.1 The streamlining concept

The streamlining concept involves permitting vessels <45m to be in survey under the National Law. These vessels would not be required to be in Class. However, an operator could elect to have their vessel built to Class standards and surveyed by a Class Society.

To support this arrangement, the NSCV would include design and construction standards for vessels <45m. This would significantly reduce costs for vessels 35m - <45m.

8.2 Support for the streamlining concept

Many stakeholders strongly supported the proposed change, particularly operators of larger vessels. They argued that the current requirement for vessels 35m and over to be built to Class was arbitrary and not backed by evidence. It also creates a strong incentive for building 34.9m vessels, even where this length is not ideal for the task. For example, larger offshore coastal vessels are safer and more comfortable for passenger operations, but are often built to 34.9m in order to avoid the costs of Class certification and survey.

> Svitzer Australia fully supports the planned increase of length from 35m to 45m in the DCV system. This will reflect the evolving market that we operate in and will enable us to better plan our fleet renewal in the future.
>
> Andy Perry, Svitzer Australia

The <35m arrangement also creates an incentive to hold on to older vessels (where the older vessel is not required to be in Class due to the grandfathering arrangements) rather than investing in new vessels.

In addition, stakeholders argued that increasing the limit would not decrease safety as:

- many vessels in the 35 – 45m range operate on limited range voyages close to shore and in a lower risk profile than international trading vessels; and
- it is currently a requirement for structural design to be carried out in line with Lloyds Register Rules for construction, whether the vessel is in Class or not. This means that the same standard would apply to the vessels, even if they were not in Class.

It was submitted that the direct costs associated with Class for a recently constructed 40m vessel exceeded $250,000, with even higher indirect costs.

Calls for different cut-off points

One stakeholder submitted that the return on investment associated with Class did not exist for vessels <70m in length. As such, National System survey should be permitted for vessels up to 70m.

There was also support for a <80m cut-off, as this would promote more Australian vessel registration and divert money from foreign owned Classification Societies. Another stakeholder suggested that a <80m cut-off apply where the vessel will operate only in sheltered waters.

The '60m load waterline length' was proposed as it would align with the requirements in Fiji, Samoa, Papua New Guinea and Tonga.

Finally, it was also suggested that the type of vessel and its complexity should drive the Class requirement, rather than using arbitrary length limits, or that gross tonnage cut-offs be used, rather than length.

8.3 Concerns with the streamlining concept

The benefit of increasing the allowance (and amending the NSCV) was questioned, given that only a few operators would take advantage of the change.

Significant concerns with the concept were raised by a few stakeholders, due to the complexity in technical construction and operation of vessels ≥35. It was argued that National System surveyors were not equipped to survey these larger and more complex vessels, and would not have the insurance needed to resolve errors, when they did arise. The expertise and fee-charging capacity of Classification Societies was also considered appropriate for these larger vessels which are much more onerous to survey.

It was submitted that not building longer vessels to Class would reduce the capacity in which the vessel could be used, and would not 'help industry'. Evidence that the Class requirements for vessels 35m and longer have disadvantaged industry was requested.

Before raising the cut-off to 45m, it was suggested that consultation be undertaken with the Classification Societies, particularly Lloyds Register whose rules have been used in Part C, Section 1 of the NSCV.

8.4 Other limitations on constructing larger vessels

Stakeholders noted that other factors would continue to drive the construction of vessels ≥35m to Class, even if the streamlining concept was implemented, including:

- the 'EEZ' restriction on new DCV. Unless new DCV can operate beyond the EEZ (approximately 200nm from shore), new vessels ≥35m would be likely to be built to Class under the Navigation Act; and
- the 35m pilotage exemption limit in many ports, which also drives the construction of <35m vessels.

8.5 Process for placing a DCV in Class

It was submitted that the current process for placing a DCV into Class was cumbersome and should be simplified.

8.6 Response to the feedback on concept #8

There was significant support for raising the length cut-off for National System survey. Given the additional risks and complexities associated with longer vessels, <45m is considered to be the appropriate new cut-off for the application of Classification Society survey requirements.

As such, vessels <45m will not be required to be in Class, although may elect to be in class for commercial reasons.

Low-complexity vessels ≥45 and vessels ≥45 in low risk operations (for example in sheltered waters or Restricted Offshore (C) operations only) will be encouraged to apply for an equivalent solution to the Class requirement. National System survey would be permitted where accredited surveyors have sufficient knowledge, skills and insurance to survey the vessel.

The NSCV will be reviewed to ensure that it contains appropriate requirements for vessels <45m. It is anticipated that Class rules will be able to be applied to vessels 35 – <45m where there are gaps in the NSCV (for example, in NSCV, Part C Section 3 (Construction)).

In regards to the process for placing a DCV into Class, Classification Societies apply internationally agreed processes and rules which are outside the control of the National Regulator.

9. Streamlining concept #9: periodic survey requirements

Currently, a large number of vessels in survey are subject to a periodic survey every 12 months.

9.1 The streamlining concept

The streamlining concept involves reducing the base periodic survey levels so that the following schedules apply:

> *(Survey A) All Class 1 vessels; Class 2A*, 2B and 2C ≥7.5m vessels which carry passengers; submersible and WIG craft; and novel vessels*: initial survey, and four periodic surveys and two SMS inspections in a five year period.
>
> *(Survey B) Class 2A*, 2B and 2C ≥7.5m vessels which do not carry passengers; Class 2C <7.5m, 2D and 2E vessels which carry passengers; Class 3A*, 3B and 3C ≥7.5m vessels; Class 4C ≥7.5m vessels; and all vessels which carry goods listed in the International Maritime Dangerous Goods Code, are equipped with plant or machinery with lifting or slewing potential, are used as support vessels in the offshore oil industry, have inboard petrol engines or are fast craft*: initial survey, and two periodic surveys and SMS inspections in a five year period.
>
> *(Survey C) All Class 2C <7.5m, 2D ≥12m, 2E ≥12m, 3C <7.5m, 3D ≥12m, 3E ≥12m, 4C <7.5m, 4D ≥12m and 4E ≥12m that are not in Survey A or B*: initial survey and annual self-inspection.
>
> *(Survey D) VMR, ferries in chains, permanently moored vessels, heritage vessels, unpowered barges*: initial survey, annual self-inspection, renewal survey at Year 5, and two SMS inspections in a five year period.
>
> *Class A vessels include only those vessels that operated prior to 1 July 2013 and which have been declared under section 19 of the *Navigation Act 2012*. All other vessels operating beyond Australia's Exclusive Economic Zone (approximately 200 nautical miles from shore) are subject to the *Navigation Act 2012*.

These arrangements would apply to new vessels, however existing vessels could opt in to the new arrangements. (Vessels which operated prior to 1 July 2013 would be able to elect to continue under their 30 June 2013 grandfathered arrangements).

Importantly, these would be **'base' survey and SMS inspection levels only** and would be adjusted based on surveyor recommendations, the outcomes of the SMS inspections and compliance monitoring activities. Clear guidelines would be provided for making adjustments to a vessel's survey schedule, building on Annex G of NSAMS Section 4. These guidelines would also cover issues such as the impact of the sale of a vessel on that vessel's survey schedule.

An alternative option to scheduled SMS inspections involves undertaking random SMS inspections on a risk basis, focussing either on less safe operators or high risk operations, rather than scheduling the inspections.

The survey schedules contained in NSAMS 4 would be reviewed to align with the new periodic survey regime and to improve efficiency (eg to allow ultrasonic propeller shaft inspection).

The survey process contained in Part F2 of the NSCV would be expanded to the remainder of the fleet (conformity assessment where there are quality assurance or quality management processes in place).

9.2 Support for the streamlining concept

The proposed 'base survey levels' were generally supported by stakeholders, with many stakeholders seeing the proposal as reducing the regulatory burden without compromising safety.

There was strong support for greater flexibility in the timing of surveys (the requirement to undertake 'x surveys in 5 years'), as it reduces the 'down-time' for vessels and reduces the likelihood of a vessel being 'tied up' because it could not comply with the survey date. One operator submitted that, due to the size of the vessel, getting to a dry dock big enough was time consuming. More flexible survey arrangements would improve efficiency.

It was also submitted that periodic surveys should be less frequent than the schedules proposed – for example, at five or 10 year intervals – unless a vessel was shown to be unsafe upon an inspection or audit. One stakeholder cited the lack of accredited surveyors in Queensland as a reason for less frequent periodic surveys, as it was difficult and expensive to comply with annual or biennial survey obligations.

> Considering the vessels we operate are basic vessels with only outboard motor propulsion, we would consider a combination of the two survey regimes more applicable, with an accredited person surveying the vessel every third survey and the owner's declaration adequate on the intermediate years.
>
> Jan Claxton, Ocean Rafting

Some operators noted that they would continue to undertake annual survey for insurance purposes.

9.3 Concerns with the streamlining concept

Some stakeholders saw significant value in frequent surveys, as they prevent operators becoming complacent in maintaining their vessel to the required standard.

It was also suggested that moving fishing vessels to a 'two in five year' survey regime would reduce the standard of the fishing vessel fleet. Non-compliances are found during annual surveys; if survey frequency was reduced, safety equipment which expires on an annual basis – such as life rafts and fire-fighting equipment – would be unlikely to be maintained.

Other concerns with the streamlining concept were:

- electrical problems, found during annual surveys, would not be picked up;
- reduced survey requirements would result in industry spending more money to demonstrate to third parties (such as insurers) that a vessel continues to meet the national standard;
- the significant variation between the treatment of a large fishing vessel and a small passenger vessel. The stakeholder noted that a '3B factory fishing vessel with 50 employees could be surveyed less than an 8m 2E vessel'; and
- the proposed reduction of survey requirements for houseboats in sheltered waters is inappropriate:

> The Houseboat Hirers Association (HHA) strongly supports the requirement for commercial houseboats to undergo regular surveys, including an out of water survey at least every 5 years, and an in water survey in an intermediate period between out of water surveys [approximately 2-3 years]
>
> Peter Tucker, Houseboat Hirers Association

Alternative proposals for streamlining the periodic survey arrangements included:

- the current regime continues to apply, with reduction based only on the history of the vessel and operator only; and
- consideration be given to the impact of the current Victorian survey regime (recently reduced to biennial survey for most Class 2 and Class 3 vessels) before implementing the streamlining concept nationally.

It was also suggested that the National Regulator engage with other regulators in the sector to ensure that the concept was fully implemented.

9.4 Adjusting the survey regime on an individual vessel basis

There was strong support for individual operator and vessel-based modifications to the survey regime. Stakeholders considered that this would provide operators with a financial incentive to have strong maintenance and safety practices.

> Support proposal and recommend continuous review to recognise and incentivise vessel operators with the longer term outcome to reduce base survey levels even further.
>
> WAFIC supports an eventual move to 5 yearly surveys for vessel operators with sustained good safety record, vessel condition and SMS implementation.
>
> Alex Ogg, Western Australian Fishing Industry Council

The creation of a transparent benchmark that, if met, would relax the frequency of survey inspection was advocated. There were many requests for guidance on what constituted 'good behaviour' and would result in a longer time between surveys. It was suggested that sector-wide 'best practice' approaches be factored in – such as Clean Green (a rock lobster supply chain management standard, which integrates standards for environmental management, food safety and quality, work place safety and animal welfare).

Stakeholders considered that clear guidance would help ensure that a nationally consistent approach was adopted.

The impact of the sale of a vessel on the survey schedule was also discussed. Some stakeholders suggested that, when sold, a vessel should return to the 'base' survey schedule.

9.5 SMS inspection arrangements

A number of stakeholders noted the importance of inspections to underpin the SMS requirements, particularly if the certification or survey streamlining concepts were implemented. An effective SMS was seen as essential to maintaining safety and allowing for a relaxation of survey and certification obligations.

There were divergent views as to whether SMS inspections should be periodic or risk-based (focusing on the less-safe operators and vessels). However, stakeholders generally supported scheduled inspections that were aligned with survey requirements.

Two stakeholders emphasized that SMS should be 'inspected' and not 'audited', as audit implies a thorough, time consuming and expensive exercise. Inspecting and testing some aspects of the SMS should be sufficient. However, two stakeholders submitted that an SMS should be audited and verified at fixed intervals.

There were also queries regarding the qualifications and skills the SMS inspectors would have, and whether they would be private sector or marine safety agency officers. One stakeholder submitted that accredited surveyors be required to complete SMS audit training, particularly surveyors accredited to undertake surveys of larger vessels.

9.6 Self-inspection

Concerns were raised with the 'annual self-inspection' requirements for lower risk vessels in survey, including:

- operators not knowing what to look for, making the inspection process of little value; and
- commercial considerations may trump safety outcomes.

It was also submitted that self-inspection arrangements shifted costs to the industry, as time and resources were required to undertake the self-assessments.

Other stakeholders put forward options to support the self-inspection process, including developing a check list (based on what surveyors would look at on the vessels) or a 'uniform survey report template' to assist operators in undertaking the inspection.

9.7 Additional monitoring

It was suggested that greater monitoring will be required to compensate for the reduced frequency of periodic surveys. Stakeholders requested that such inspections or audits be scheduled, in order to provide industry with predictability and better manage the regulator's resources, and so they are not seen as a 'revenue raising' exercise.

9.8 Reviewing the survey schedules

Stakeholders submitted a number of comments on the NSAMS 4 survey schedules, namely:

Out-of-water hull inspections

- in-water surveys are not a significant burden and could be undertaken annually if required;
- out-of-water surveys are costly. One stakeholder submitted that out-of-water surveys on his vessels had cost $300,000 over 10 years, as they did not align with the anti-fouling paint regime;
- the lack of slip facilities make out-of-water surveys expensive and time consuming;
- paint systems, substantial zinc anodes, earth leakage testing systems and well-constructed stern gear should allow out-of-water surveys to be undertaken less frequently – for example, every four years instead of every two years, or once in a five-yearly cycle, with an additional inspection involving divers and photographic / video records;
- there should be more flexibility regarding the timing of out-of-water surveys. One operator submitted that the National System had reduced the flexibility for hull surveys – from two out-of-water inspections in a six year period (where the operator upgraded to a three or four year paint system) to two out-of-water inspections every five years;

Propeller shaft inspections

- there is no need for any out-of-water shaft inspections, given the ability to use ultrasonics;
- ultrasonic testing is inexact and picks up only inherent flaws in propeller shaft. It does not test for wear, run out or the integrity of the shaft. In order to fully test the shaft, it needs to be removed from the gear box and, in most cases, the prop removed from the shaft;
- shaft inspection frequency should be determined by engine hours per year, shaft speed (gear box reduction) and type of stern gear;
- shaft inspection requirements should be reduced. The risks associated with a failure in the shaft are not catastrophic, particularly where the shaft cannot cause a flooding incident;
- shaft surveys should be aligned with other out-of-water surveys and maintenance activities. Greater flexibility in the timing of shaft surveys would support this and reduce costs for operators;

Radio surveys

- radio surveys are not required and are a legacy of the days of crystal radios where the crystals needed to be replaced periodically;
- a working test (to the coast station or harbour control) and evaluation regime under the vessel's SMS should be adequate;

Compass adjustments

- given the take up, availability and reliability of GPS, Fluxgate, Gyro, and independent satellite compasses, the need for compass swings is greatly reduced;
- compass adjustments cost on average, for a 15m vessel, $600 (plus travel and on-costs) and are a significant burden on industry;
- in lieu of the current 3-yearly compass adjustment requirement:
    - compass adjustments should be required for new vessels upon entering service; and
    - the operator should regularly assess the compass against GPS, Gyro, Fluxgate, satellite compass or a mobile phone as a part of the vessel's SMS;

Life raft servicing

- life raft servicing under manufacturers recommendations imposes unnecessary costs;
- businesses providing life raft inspection services are not accepting manufacturers' recommended inspection frequencies;

Greater flexibility in survey timing

- greater flexibility around survey dates, life raft inspection dates and equipment survey dates would significantly reduce costs by allowing the inspections to be completed at the same time;

- slipping, repair facilities and servicing facilities are not always available when required. A system that provides short term flexibility would negate the need to tie vessels up simply because they could not comply on the exact date; and
- allowing surveys to occur at any time over a six month period (three months before and three months after the due date) would align with the approach of Classification Societies.

9.9 Standard of surveys

Some stakeholders were concerned about the standard of surveys around Australia.

Complaints were made regarding the willingness of surveyors to survey the whole of the vessel, and the cost of engaging other experts, such as electricians, to complete the survey. It was also considered that time limitations could prevent a thorough survey from being undertaken, as could the limited practical experience of some surveyors. In addition, it was noted that there can be significant costs associated with survey errors, particularly where, for example, a subsequent survey identifies the flaw and requires it to be rectified.

Conflicting advice from surveyors was also a cause for concern. One stakeholder received conflicting advice on 'lightning arrestor' requirements. Another noted that certificates of compliance issued by a private surveyor in Queensland may not be accepted by Marine Safety Queensland due to concerns regarding the adequacy of the survey.

Submissions were also made regarding surveyors not turning up on the appointed day to undertake the survey.

The following ideas were put forward as mechanisms to improve the situation:

- clarification of the rules for new builds;
- a 'check the checker' approach; and
- publishing the qualifications of surveyors.

9.10 Accreditation arrangements

Stakeholders queried whether (or when) private surveyors would be able to operate around the country under the surveyor accreditation regulations.

There were also concerns regarding the acceptance of private surveyor reports around the country – stakeholders noted that only Certificates of Survey were recognised nationally.

Finally, information was sought regarding the accreditation requirements for welders and builders.

9.11 Response to the feedback on concept #9

The 'base' periodic survey levels are currently being considered, however it is envisaged that:

- Class 1 and some passenger carrying Class 2 vessels will be required to complete four surveys every five years;
- most Class 2, Class 3 vessels and Class 4 will be required to complete two surveys every five years;
- small, low risk Class 2 and Class 3 vessels, VMR, ferries in chains, permanently moored vessels, heritage vessels and unpowered barges will be subject to initial and renewal (five yearly) surveys and annual self-inspection.

Many of the intermediate surveys will be in-water only. The NSAMS 4 survey schedules are currently being reviewed, and the periodic survey requirements are being considered further as part of that review.

All vessels will also be subject to a risk-based and targeted audit regime, which, together with a small number of random audits, will ensure that a proportion of the fleet is audited annually. The SMS inspection arrangements, including the qualifications of SMS inspectors are currently being developed.

The 'base' survey levels for individual vessels will be adjusted based on surveyor recommendations, the outcomes of SMS inspections and other compliance monitoring activities. Clear 'business rules' for adjusting periodic survey levels are being developed. Importantly, this means that where issues are continually identified with a particular vessel or operator, the time between surveys can be reduced.

Guidance would be provided to support any annual self-inspection requirements.

<u>Treatment of passenger and non-passenger vessels</u>

As outlined at concept #7 above, given the unknown nature of the passengers aboard the vessel and the operator's acceptance of responsibility for the passengers, a high degree of regulatory oversight for passenger carrying vessels is justified.

However, it is important to note that an 8m passenger-carrying 2E vessel would be subject to a 'two surveys in five years' base survey regime under the streamlining concept – the same as a large 3B fishing vessel. Only vessels with more than 12 passengers are subject to a higher survey level than other vessels (four surveys in five years). Passenger vessels carrying more than 12 passengers require significant oversight given the need to confirm that the vessel can safely carry a diverse group of people, and given the potentially catastrophic consequences of an incident.

Reviewing the survey schedules

Detailed comments from stakeholders on shaft and hull inspections and equipment surveys will be taken into account as part of the current review of the NSAMS 4 survey schedules.

Importantly, the requirements for compass swings will be reviewed and reduced or removed where possible. One option is to accept completion of a compass deviation card in lieu of requiring a compass adjustment, provided the deviation of the compass is not greater than 5 degrees. However, adjustments would continue to be required in some circumstances – including an initial adjustment prior to the first voyage of the vessel, where there is a dramatic change to the helm and where the deviation is greater than 5 degrees. Once determined, the new arrangement will be implemented as a matter of priority.

Life raft servicing frequency is best determined by the manufacturer and the inspection service provider, who have the knowledge and experience to determine the required inspection levels.

The National Regulator will work with delegates to ensure that improvement, prohibition and direction notices are issued appropriate and consistently, including when and how they are used as part of the survey process.

Surveyors and surveyor accreditation

Comments on the standard of surveys and surveyors will be taken into account in the development of the National Surveyor Accreditation Scheme. This scheme will require all National System surveyors to have a minimum level of qualifications, experience and accountability.

Once the National Surveyor Accreditation Scheme has been fully implemented, surveys by accredited surveyors will be recognised nationally. Welders and builders are not accredited under the National Law, however may be subject to other regulatory schemes.

10. Streamlining concept #10: minimum crewing

Currently, all new vessels must be operated by a person holding a commercial vessel qualification. There are a number of specific exemptions to the minimum crewing requirements (for specified fishing operations and small workboats, for example). However, National Regulator approval is generally required.

The grandfathering provisions of the National Law allow vessels which operated prior to 1 July 2013 to continue to comply with the crewing arrangements that applied to the vessel on 30 June 2013.

10.1 The streamlining concept

The streamlining concept involves allowing:

- vessels involved in sporting/recreational activities and affiliated with a recognised body that has systems in place to manage risk (eg Yachting Australia, Surf Lifesaving, Waterski Federation); and
- research vessels <7.5m in sheltered (D and E) waters (and potentially C waters),

to be operated by a person who holds a recreational qualification. This would remove the need for the operators to apply for crewing exemptions.

10.2 Support for the streamlining concept

Although the streamlining concept would only impact a small segment of the fleet, it was generally supported by the stakeholders affected.

The research sector supported the extension of the allowance to research vessels in C waters.

> I strongly support this change. This also helps with research students and assistants who may need to use a boat for short periods of sampling in that they can do the work with recreational qualifications and suitable training from us, and not need to arrange and pay for someone with a coxswains licence to run the boat. The costs become prohibitive for them otherwise.
>
> David C Paton AM, School of Earth & Environmental Sciences, University of Adelaide

10.3 Concerns with the streamlining concept

Concerns were raised regarding the safety implications of this proposal, particularly where jurisdictions do not have recreational boating licences, or have very limited boating licences that do not require any practical examination. It was argued that the level of knowledge within a recreational licence did not reflect the risks presented by a commercial operation.

Alternative options put forward by stakeholders were:

- incorporate a practical component into the recreational licence;
- require a commercial endorsement to be obtained which certifies that the person has practical experience; and
- accept RYA Yacht Master and Ocean Master certificates instead of recreational licences.

10.4 Minimum crewing for small, low risk operations

Stakeholders also suggested that allowances be made for other small, low risk vessels and operations.

It was proposed that:

- vessels <6m be permitted to be operated by the holder of a recreational licence. This arrangement applies to many grandfathered Queensland vessels;
- fishing vessels <7.5m, <35 kw, in sheltered waters be permitted to be operated by the holder of a recreational licence. This reflects the arrangement for work boats;
- port vessels be permitted to be operated by the holder of a recreational licence;
- research vessels <7.5m within 3nm of shore be permitted to be operated by the holder of a recreational licence;
- non-passenger vessels ≤7.5m, <75hp, in sheltered waters be permitted to be operated by the holder of a recreational licence, provided they have a current first aid certificate and completed a medical declaration. The vessel's SMS would also be required to cover the operation of the vessel by the recreational licence holder, and a Marine Radio Operator's Certificate of Proficiency may be required if the vessel is fitted with a marine radio; and
- statutory water authority vessels used to carry out water sampling and inspections in lakes and harbours be permitted to be operated by the holder of a recreational licence. The risks of the operation would be managed through the WHS SMS, which would include training of staff for competency of vessel operation, safety and emergency plan procedures.

One stakeholder submitted that the requirement to have a Coxswain 2 and a skipper where there are only a few passengers on-board is excessive, when a bus operator with 50 passengers does not need a co-driver.

However, a number of stakeholders argued against any further reduction in crewing requirements. The risks associated with moving more vessels out of survey under the streamlining concepts should be managed, in part, by ensuring the vessel has competent crew on-board. In addition, Coxswain 2, with the reduced sea time under the task book option, has never been easier to achieve.

10.5 National recreational qualifications

One stakeholder supported the streamlining concept provided the recreational qualifications are national, with local endorsements where necessary (for example, for operations in Sydney Harbour). This would ensure that operators have adequate knowledge of local rules.

10.6 Other comments on minimum crewing levels

It was proposed that the core complement for vessels 35m – <80m sheltered water operations be reduced to three certified crew, for all Class 1 (passenger) and Class 2 (non-passenger) vessels. The operator would remain obliged to ensure that there was 'adequate' crew on board at any point in time.

One stakeholder submitted that core crewing requirements be aligned with the changes to the survey limits – ie apply the core complement requirements for vessels <35m to vessels <45m. 35 metres is currently the point where the calculation moves from the largest propulsion engine to the total of all propulsion engines on a vessel. In light of the current shortages of qualified engineering crew faced by the tourism industry, as a result of the demands of the mineral and commodity industries, moving the cut-off point up to 45m would help operators of vessels 35 - <45m meet crewing requirements.

Concerns were also raised with the grandfathering and exemption arrangements that allow vessels to be operated by a person who does not hold a commercial qualification. It was submitted that a sunset dated of 31 December 2016 should apply to these arrangements.

10.7 Adequate crewing

An MSI requested that clear guidance be provided on 'adequate' crewing levels. The setting of minimum levels combined with the requirement for the operator to determine 'adequate' levels establishes a system that is extremely difficult to monitor from a compliance and enforcement perspective.

Another stakeholder sought information on the crewing requirements for fishing vessels <10m.

10.8 STCW endorsements

Questions were raised regarding STCW (International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978) endorsement requirements.

10.9 Response to the feedback on concept #10

The streamlining concept will not be pursued. Operational factors (including human error) are involved in most incidents. Well trained crew are integral to both preventing incidents and minimising the impact of an incident.

However, arrangements will remain in place to enable vessels involved in sporting/recreational activities to be operated by persons holding alternative qualifications, such as RYA Yacht Master and Ocean Master certificates.

In addition, to address the needs of the research industry and other small, low risk operations, a new, entry level Certificate of Competency ('Coxswain 3') will be introduced. The certificate will be designed to meet the needs of the the most simple, low risk, marine activities, such as operations on dams and other inland waterways, aquaculture operations such as pearling and research activities. Training costs for the Coxswain 3 will be minimised.

Until the new Coxswain 3 is implemented, Exemption 20 will be amended to also allow more Class 2 vessels to be operated by the holder of a recreational licence. However, this is a transitional arrangement only; once the Coxswain 3 is implemented, after a transitional period it will be the minimum qualification required for all operations except:

- where pre-National System crewing arrangements have been grandfathered;
- for the exemptions for certain sailing vessels, where RYA and other qualifications are accepted;
- for the requirements for hirers of hire and drive vessels. The current arrangements for hire and drive vessels will continue.

Other minimum crewing issues

The submissions proposing changes to minimum crewing requirements will be considered when NSCV Part E is revised.

There is no proposal to sunset grandfathered crewing arrangements at this stage, however the National Regulator will continually reassess the safety of the national fleet in light of incidents, emerging risks, changing technology and/or changing expectations. This includes reassessing grandfathered crewing levels in the future if the need arose on a safety basis.

Adequate crewing

One of the National System's key concepts is that the operator/owner is better-placed than the National Regulator to assess the risks of the operation and determine adequate crewing levels. The National Regulator can support this process, and the monitoring of the system, through guidance materials.

Fishing vessels <10m

The requirements for fishing vessels <10m will depend on whether or not the vessel operated before 1 July 2013. If the vessel operated in the two years preceding 1 July 2013, the minimum crewing requirements that applied at 30 June 2013 (under State or Territory law) are grandfathered, provided the vessel and its operations remain the same.

In addition, there are exemptions in place for vessels and operations that commenced (or will commence) after 1 July 2013, including for:

- fishing vessels <15m in length, in 'fishing ship operational areas' as previously defined in the *Transport Operations (Marine Safety) Regulation 2004 (Qld)*. Under the exemption, the Master must hold a Coxswain Grade 1 Certificate of Competency;
- tender vessels operating as fishing vessels in Queensland pursuant to the Fisheries Act 1994 (Qld). These may be operated by a person holding a recreational licence; and
- fishing vessels in the Great Barrier Reef Region and Torres Strait Zone.

National Regulator approval may be required for these exemptions to apply. See www.amsa.gov.au for more information.

STCW endorsements

Marine Order 505 (Certificates of competency) Near Coastal STCW endorsements are issued by the National Regulator. When the holder of a Certificate of Competency applies for an STCW near coastal endorsement, the holder's level of experience and training is assessed against the requirements of STCW-95 near coastal provisions. An STCW endorsement confirms that the Certificate of Competency complies with the near coastal requirements specified in the STCW-95.

11. Streamlining concept #11: design and construction standards

Currently, Parts C and F of the NSCV apply to all new vessels in survey, while Part G of the NSCV (the GSR standard) applies to all new 'non-survey' vessels.

Grandfathering arrangements allow vessels that were in operation prior to 1 July 2013 to continue to comply with the standard that applied on 30 June 2013. Transitional equipment requirements (contained in either Part C Section 7A of the NSCV or in the GSR standard, depending on the vessel and operation) apply.

11.1 The streamlining concept

The streamlining concept involves strengthening the NSCV and allowing for more importation and exportation of commercial vessels.

Under the streamlined approach, the requirements of the GSR standard (Part G of the NSCV) would be reviewed with a view to:

- ensuring that it contains appropriate arrangements for all non-survey vessels;
- allowing equivalent solutions to the level flotation requirements (including those permitted by Section C7A of the NSCV), which can be difficult to comply with; and
- making it easier to apply and to confirm compliance.

Part F, Section 2 (Leisure Craft) of the NSCV would also be reviewed in order to improve its alignment with international standards and facilitate the importation and exportation of recreational use vessels.

The NSCV requirements for fire safety would be reviewed to ensure that they are aligned to the level of risk of a vessel and operation. The NSCV would also include appropriate requirements for dumb barges and pontoons, where these are captured by the National Law.

As outlined above at streamlining concept #1, the NSCV would be streamlined so that the technical requirements of the National System are more accessible and easier to identify.

11.2 The GSR standard

Stakeholders requested that the review of the GSR standard be completed as soon as possible, to both resolve the issues with the current standard and to remove uncertainty regarding the future requirements for non-survey vessels. Stakeholders were reluctant to purchase vessels in the non-survey category until the review was complete. There was also support for allowing alternative options to level floatation, such as sealed decks and float-off buoyancy.

It was suggested that the fuel tank arrangements under the GSR standard be reviewed to allow underdeck fuel tanks with no cofferdam.

A few concerns were raised regarding the review:

- vessel flotation is critical and should not be scaled back;
- combining the GSR standard and NSCV F2 (Leisure Craft) as currently proposed would not be appropriate as the risks associated with small work boats are fundamentally different to hire and drive leisure activities; and
- expanding the standard so that it covers vessels up to 12m (in the 'non-survey' category under streamlining concept #7) would lose sight of the primary benefit of having a simple, stand-alone document for small craft.

11.3 Part F, Section 2 of the NSCV

There was strong support for reviewing Part F, Section 2 of the NSCV (Leisure Craft) as soon as possible, and for aligning with international standards, such as the CE standards. One charter vessel operator submitted that the current requirements were costing him $1,000 per day in lost opportunities, as investors were unwilling to purchase new leisure craft due to the lack of consistency with international standards. As a result, the operator could not meet the demand for charter yachts.

Detailed comments submitted by stakeholders included:

- queries regarding the extent to which CE conformity modules will be accepted;
- a submission that qualification requirements for persons providing briefings are not increased; and
- the requirements for reboarding without assistance can be difficult to fully comply with for some vessel design transoms.

One stakeholder suggested that applying ISO standards would raise, not reduce, the regulatory burden, due to the complexity of the ISO standards. They should only be accepted as an equivalent solution.

11.4 Part C, Section 4 (Fire Safety)

Stakeholders strongly supported reviewing NSCV C4, and considered the current requirements to be over-scoped for small vessels. For example, the need for structural fire protection on vessels <20m was questioned.

The fire extinguisher requirements for small tenders were also considered excessive:

- where the tender has an outboard petrol engine, fire extinguishers are unnecessary – no one would fight a petrol fire as the engine explodes;
- the requirement to carry a 9kg fire extinguisher on a 4m tinny, and a 4kg fire extinguisher on a 4.35m dingy are unreasonable; and
- a 'no smoking policy' on tenders established through the SMS should negate the need for a fire extinguisher.

Fire extinguisher testing requirements (which recently increased from every 12 months to every 6 months under the Australian Standard applied by the NSCV) were also considered to be unwarranted. Comments included:

- there are significant costs involved in getting extinguishers to a local country fire authority or fire extinguisher servicing agent;
- the Australian Standard is designed for buildings and may not take into account the unique circumstances of commercial vessel operations;
- fire extinguisher testing could be undertaken by an appropriately qualified seafarer, such as the holder of a marine engineering certificate, as part of the vessel's SMS;
- fire extinguishers could be tested on an annual basis by a suitably qualified person, and on a 6 monthly basis through a self-assessment (checking the date and inverting the extinguisher); and
- the SMS could require fire extinguisher pressure gauges to be regularly checked and the extinguishers to be turned upside down and shaken at regular intervals, in lieu of formal testing.

A few stakeholders cautioned against making significant changes to the fire safety standard. A large number of operators (particularly in Queensland) have invested in vessel upgrades in order to meet the fire safety requirements of the NSCV, and would be unhappy if the current standard was made obsolete.

11.5 Part C, Section 7 (Equipment)

A number of comments were submitted on the minimum equipment requirements contained in Part C, Section 7 of the NSCV, including:

First aid kit requirements

- over-scoped for small vessels in local, short operations. For example, a three-hour whale-watching tour, which operates within one hour of shore, should not require the same medical kit as a vessel operating in the same class of water for a longer period;
- should be aligned with those required for registration with the Royal Flying Doctor Service;
- the requirement to carry analgesics on bait fishing vessels is unnecessary;
- charter boats operating on short day trips are required to carry unnecessary medications and not practical items that are used on a day-to-day basis;
- refrigerating medications is not always possible on a charter vessel;
- there should be three categories of first aid kit requirements for passenger vessels carrying only unberthed passengers: up to 12 passengers, 13 – 50 passengers, and more than 50 passengers;

Lifejackets

- lifejacket lights are costly to replace and unnecessary for daylight only operations. The cost for one vessel with 200 coastal lifejackets on board is $12,000 every two years.

Another operator submitted that the replacement lifejacket light cost across their fleet was over $75,000 every five years;

Life rafts

- life raft requirements on RIBs are excessive;
- requirements for Coastal / SOLAS life rafts, as opposed to Open Reversible life rafts (ORLs), are excessive in tropical, sheltered waters, where the risk of the life raft overturning is low. For one operator, the Coastal / SOLAS life raft requirement cost, for a single vessel with maximum 325 persons on board, is an additional $92,000 in up-front costs (incurred every 9-10 years) and an additional annual servicing cost of $10,180. Another stakeholder submitted that a vessel carrying 478 passengers required 20 Coastal / SOLAS life rafts – yet the local servicing agent cannot service 20 during a normal refit period, which means the capacity of the vessel is reduced while the life rafts are serviced. The current process for obtaining an equivalent solution to use ORLs was considered laborious and the conditions attached (such as operation in daylight hours only) unnecessary and burdensome;
- life raft servicing under manufacturer's or service provider's recommendations is excessive;

Buoyant appliances

- the requirement for a 25m rope in a life buoy is excessive;
- the requirement to carry a carley float on tender and auxiliary vessels is unnecessary;

Flares and signals

- flares are unnecessary, difficult to ignite and costly to replace. Strobe lights are more cost effective;
- Day Shapes and Flags requirements are outdated and unnecessary;
- the all-round white light at night situated above the navigation lights creates a risk of collision;
- a fabric international code flag A should be an equivalent solution to navigation lights and Day Shapes and Flags for small vessels engaged in diving;

Communication equipment

- HF radio is unnecessary where the vessel has satellite phone, VMS, Inmarsat C, Inmarsat M or even a mobile phone;
- radio surveys are not required. Working tests under SMS are sufficient;
- an Automatic Identification System (AIS) should be compulsory for all vessels >12m;
- AMSA should manage radio operator details, EPIRB and beacon numbers;
- the EPIRB battery date and AMSA registration date should align;

Other comments and queries

- safety equipment requirements are too prescriptive. Clocks, barometers, torches, binoculars, echo sounders, radar reflectors, speed and distance indicators, may not be required on smaller vessels (such as 2C vessels ≤5m), as they provide minimal safety

benefit for the cost, space and effort required to keep the equipment dry and operational;

- bilge pumps are not required for small vessels with positive flotation, sealed decks and underfloor compartments filled with foam;
- is a stern ladder on a 5m vessel an acceptable, safe means of access?;
- is a hand-held VHF radio acceptable as primary distress and safety equipment, where the vessel also has an EPIRB?;
- flexibility around survey dates, life raft inspection dates and equipment survey dates would allow these to be coordinated;
- there are anomalies in the lightning rod requirements; and
- how long is the anchor and chain required to be when an existing anchor is being replaced?

11.6 Part C (Design and Construction)

The following comments were submitted on the design and construction requirements of the NSCV:

- the NSCV is over-scoped for small vessels on inland waters, and for vessels in the aquaculture industry in inshore, shallow waters;
- the NSCV does not include appropriate requirements for dumb barges;
- the NSCV is too 'big ship' focussed;
- some sections need to be updated (eg machinery);
- imported vessels complying with international construction and electrical standards should be accepted. Requiring Australian Standard safety switches to be installed, for example, is not always feasible;
- inboard petrol engines should be permitted for waterski vessels. A powerful motor is required to maintain a slalom jump skier through the course or over the jump and is necessary in order to compete at world level;
- there are errors in the treatment of RIBs under Section 6B;
- ISO 12215 should be applied to vessels <24m, with a sliding factor applied to scantlings to account for commercial use;
- IACS rules should be accepted as equivalent to Lloyd's Rules;
- all Recognised Classification Society rules (as listed in Part B of the NSCV) should be accepted as equivalent to Lloyd's Rules, provided the rules are followed in their entirety; and
- the length of time and passenger numbers which require a toilet to be fitted to a vessel should be increased to 30 minutes and ≥121 passengers. This would align with exemptions that have been issued for specific operations.

11.7 Part E (Safe Operations)

A few comments were made on the operational requirements of the NSCV:

- Part E should include minimum mandatory crew training and drill interval requirements. Although operators should consider and determine whether or not a higher frequency of training and drill intervals was required, a minimum bench mark should be set;
- the requirement to carry documentation is not practical for open wet boats; and
- SMS requirements for small vessels operating on inland waters are excessive – it is not necessary to address man overboard and fire situations.

Stakeholders also suggested that Approved Training Organisations offer courses on SMS.

11.8 Part B (Interpretation)

A query was raised in regards to the 'measured length' standard. Are bulkheads for anchor stowage and platforms at the stern for the motor included as part of the length?

In addition, it was proposed that the term 'Near Coastal' be defined under Part B, which may remove the need for other definitions, such as domestic operations, inshore operations, offshore operations, restricted offshore operations and sheltered waters. This would ensure that definitions are consistent across the Navigation Act and National Law, and would minimise the categories of operational areas.

It was also proposed that Part B, Annex B (Guidance on hazard identification, risk assessment and control of risk) be revised to also require consultation with employees and unions. This consultation is required under WHS law.

11.9 Application of the NSCV

Inconsistencies in the interpretation and application of the NSCV, within and between jurisdictions, was a significant concern. One stakeholder noted that the constant change in regional staff resulted in increasingly inconsistent advice. Another suggested that they had 'yet to meet two surveyors or builders who have the same take on some aspects of the requirements for vessel compliance'.

The ability of the marine safety agencies to interpret and grant exemptions under the NSCV was raised. Where these decisions are referred to AMSA as National Regulator, it was suggested that a system should be in place to ensure they are dealt with quickly.

One stakeholder suggested that the NSCV was more prescriptive than the USL Code, as the costs associated with creating and obtaining approval for an equivalent solution were prohibitive. Another stakeholder asked whether the NSCV or the USL Code applies.

11.10 Response to the feedback on concept #11

Detailed comments from stakeholders on the NSCV will be considered as part of the reviews of each NSCV standard.

In particular:

GSR standard and NSCV F2, Leisure Craft

The reviews of the GSR standard and Part F, Section 2 of the NSCV (Leisure Craft) have commenced. It is anticipated that the GSR standard and NSCV F2 will be combined, given that the standards cover similar vessels and operations.

The issues raised by stakeholders will be considered by the Reference Group as part of the review process.

Until the standard is finalised, applications may be made for an equivalent solution. An equivalent solution would allow compliance to an international standard, provided the required outcomes are achieved.

NSCV C4, Fire Safety

The review of NSCV C4 has commenced.

The fire extinguisher servicing requirements are also currently being considered, in consultation with the Fire Protection Association of Australia.

NSCV C7, Equipment

First aid kit requirements will be reviewed, with a view to introducing a scaled approach which takes into consideration the distance the vessel travels offshore and the length of the voyage.

Under Part C Section 7A of the NSCV, inflatable coastal and open reversible liferafts must be serviced at intervals of 12 months, or such longer intervals as recommended by the manufacturer. Servicing frequency is best determined by the manufacturer and the inspection service provider, who have the knowledge and experience to determine the required inspection levels.

Satellite systems are accepted as an alternative to HF Radio under the NSCV – see Part C Section 7B. In addition, the HF radio requirements are currently being reviewed.

The other issues raised will be considered as part of a review of the standards.

New C – Restricted category

The introduction of a new 'Restricted C Class' (as detailed at concept #4 above), encompassing non-passenger carrying vessels in 'restricted C' operational areas, will help ensure that the construction and equipment requirements are not over-scoped for vessels in limited offshore operations.

NSCV Part C

It is noted that the NSCV does not include appropriate requirements for dumb barges. Operators of these vessels should apply for an exemption – appropriate conditions will be imposed.

Although the complications associated with requiring imported vessels to comply with Australian electrical standards are noted, this is a necessary requirement. Australian appliances are used and accepting the international arrangements would cause safety issues.

NSCV Part B

The 'measured length' standard is contained in Annex A of Part B of the NSCV. Detailed information is provided regarding the points from which the length is measured.

USL Code or NSCV?

The NSCV now applies to all vessels in survey entering the system. However, one section of the NSCV is not yet complete – Part C, Section 2 (Watertight and Weathertight Integrity). The equivalent requirements of the USL Code apply until this has been completed.

The design and construction requirements of the USL Code also continue to apply to vessels which were constructed and surveyed to the USL Code. For these vessels, the standard which applied at 30 June 2013 applies. However, transitional (NSCV) equipment requirements also apply.

Achieving nationally consistent application

The DCV Manual and Advisories issued by the National Regulator (see concept #1 above) will support the nationally-consistent application of the NSCV. In addition, surveyor training will be provided as part of the National Surveyor Accreditation Scheme.

12. Streamlining concept #12: Certificate of Competency standards

12.1 The streamlining concept

Currently, new Certificates of Competency are issued in accordance with Part D of the NSCV. This streamlining concept aims to reduce the length gap between Master <35m NC certificates and Master <80m NC certificates, and to align crewing requirements with the proposed new National System survey cut-offs.

Under the streamlined approach, the Master <35m NC would be changed to a Master <45m NC certificate. The pre-requisites to issuing the certificate would remain the same. The duties the certificate holder may perform would also remain the same, except that the holder could command a commercial vessel <45 m long in the EEZ.

An alternative option is to issue endorsements allowing Master <35 to operate an <45m vessel provided they have sufficient training and experience.

12.2 Support for the streamlining concept

There was significant support for this proposal, particularly from operators of larger vessels. They noted that there was no significant difference between 35m and 45m vessels. The change would also provide training opportunities for seafarers seeking higher level certificates, such as the Master <80m. Other stakeholders noted that the <45m certificate aligned more closely with international arrangements. It was also submitted that the change would assist current vessel operators operating under exemption provisions and provide long term certainty in crewing requirements, particularly in the Great Barrier Reef and Torres Strait Regions.

One stakeholder strongly supported the increase, but suggested that <50m or <60m may be preferred in order to decrease the disparity between Certificate of Competency levels and vessel sizes.

However, it was also suggested by one stakeholder that the proposed change to the Master <35m certificate would be valuable only if the National System survey allowance was increased to <45m.

12.3 Support for the endorsement approach

A large number of stakeholders supported the endorsement approach, due to the differences between some 35m and 45m vessels. For example, a 45m vessel may have double the volume of a 35m vessel, and there may be different systems installed and different onboard practices. ‘A 35m ferry is substantially different to a 45m barge’.

Some stakeholders argued that an endorsement, based on sea time on appropriately sized vessels, would support safety. One stakeholder also suggested that total length under command should be considered for tug boat masters (as a tug boat master may be responsible for towing an 80m dumb barge).

It was noted that the applicant for a Master <35m may have completed all their required sea time on a vessel 12m long. The difference between a 12m and a 45m vessel was considered to be too great, making the endorsement approach necessary.

Stakeholders asked what 'training and experience' would be required for the endorsement. Options proposed by stakeholders included requiring the person to complete 120 days of sea service on a vessel >24m in charge of a navigational watch. In addition, where sea service is performed in sheltered waters, the Master <45m could be limited to sheltered waters.

On the other hand, it was argued that operators should hire crew with adequate experience, regardless of their certification, and the extension to 45m should not require an endorsement.

Some stakeholders suggested that the training packages and arrangements be looked at to determine if there is sufficient training to support the automatic extension, or whether sea service or other requirements should be applied.

12.4 Impact on other certificates

The impact of the change on other certificates was questioned:

- Would the extension also apply to the Master Class 5?
- Would Engineer Class 3 be extended to a 4000kW allowance?

12.5 The need for a lower-level coxswain

There was significant support around the country for the introduction of a new lower level coxswain.

Aquaculture industry stakeholders submitted that the training package for Coxswain 2 was significantly above what had been required under the previous State or Territory restricted coxswains, and was 'over-scoped' for aquaculture operations. The training package for Coxswain 2 requires a four week course, which is up to four times longer than the previous Restricted Coxswain under TDM07.

> …it is critical that the base rung of the 'career path ladder' be set at a level that recognises the most simple, low risk, yet equally important marine activities.…If there was a significant level of safety issues arising from this type of operation prior to the Part D review there may be scope for change but this is just not the case.
>
> Pearl Producers Association

> Training for the new Coxswain NC 2 ticket is now at least a four (4) week course to allow the student to drive exactly the same vessel, in the exactly the same operational situation as was in place prior to the Part D review.
>
> Alex Ogg, Western Australian Fishing Industry Council

It was submitted that the introduction of the Coxswain 2 ticket had negatively impacted on a number of marine industries in Western Australia. Small commercial vessel operators often have no need or desire to become Masters – particularly where the vessel operation side is incidental to the business and the 'career pathway' aspect of the Coxswain 2 does not provide a benefit.

Stakeholders in workboats on inland waterways also submitted that the Coxswain 2 was excessive for vessels operating only in sheltered waters, where the staff are not full time mariners, the on-water component is only part of the role, and where stringent WHS practices support safety.

> I have now completed four Coxswain Grade 2 Near Coastal Courses for groups operating on inland waters and have found students resent being instructed on subjects they will never experience on inland waters.
>
> A further obstacle to their learning is a lack of experience and basic understanding of operations in bay and ocean waters.
>
> …I respectively request that consideration be given to approving a course and qualification relevant to operations on inland waters for vessels <12 metres, similarly to that previously conducted.
>
> Trainer – maritime qualifications

> Our staff have completed the 7 day Certificate 2 in Transport and Distribution (Costal Maritime Operations – Coxswain) National Course Code TDM20307… Whilst what we learnt was interesting and delivered well, I have found that for our application this is way over the top and has little relevance to our operation or the vessel we operate.
>
> Wayne Fleming, Southern Rural Water

Support for a new entry-level certificate for inland waterway operations was received from:

- the operator of a work barge and weed harvester on an enclosed, 60 hectare salt water lake;
- the operator of vessels undertaking siltation and bathymetric surveys of reservoirs, large natural lakes, on-river weirs and major rivers;
- the operators of vessels spraying exotic aquatic weed, water sampling and surveying of reservoirs, large natural lakes, on-river weirs and major rivers;
- the operator of vessels <5m in inland waterways undertaking weed abundance surveys, water and sediment sampling;

- the operator of a 5.6m vessel in Martha Cove Marina, undertaking general patrol and inspection duties within the Marina for resident security and the safety of boat operators; and
- the operator of a 4m vessel undertaking herbicide control and environmental services activities on inland waters.

One operator sought an exemption from the Coxswain 2 requirements for a 4.5m vessel operating on dams, conducting inspections and operating an on water buoyage system.

The research sector and oil and gas industry also supported the introduction of a lower level certificate, as their vessels we often operated only in sheltered waters and in coordination with another vessel.

Similar submissions were received from the tourism sector, in regards to the crew of ski boats conducting Ski Biscuiting on an inland man-made dam.

> When I did mine seven years ago the cost was approximately $300. This licence was known as a Restricted Coxswain - Ski boat Operator.
>
> …the minimum qualification required to drive a commercial ski boat (for purposes such as ours) is [now] a…Coxswain Grade 1 because the ski boat is over 100 KW and will have passengers. The time required to complete this course is 5 weeks, and will cost around $9000 each, once employment costs are accounted for and the majority of the course contents are totally irrelevant to the required role.
>
> Graeme Watson, Forest Edge Recreation Camp

One stakeholder proposed that a new, entry-level coxswain be permitted to operate vessels:

- that do not carry any passengers;
- <12m;
- outboard engine or <250kw inboard engine power;
- daylight hours only; and
- in sheltered waters or within the confines of an aquaculture lease and within 5nm of land base or parent vessel.

12.6 Coxswain allowances

It was submitted that Coxswain 1 be permitted to operate to 30nm from the shoreline (in line with the conceptual C waters limitation) rather than the current 15nm restriction. Alternatively, an endorsement should be issued allowing Coxswain 1 to operate to 30nm.

It was also proposed that Coxswain 2 be permitted to operate within 5nm of shore (rather than from point of departure). This would make room for a new, entry level coxswain certificate.

In addition, stakeholders suggested that there was little practical difference between 160kW and 500kW, and that coxswain should (with some changes to the training requirements) have entitlements equivalent to the MED 3 certificate. This would allow for a smoother transition to a MED 2 certificate.

12.7 Impact of the National System on Master Class 4 certificate holders

Significant concerns were raised regarding the impact of the National System on State and Territory Master Class 4 certificate holders, due to the industry preference to hire seafarers with STCW qualifications.

> I searched positions vacant for Master 4s (M4) and found that all the M4 positions have now been made into Master <500 tonne positions by employers.
>
> Australia has a generation of very experienced M4 operators between the ages of about 45 to 60, who because of this new system can no longer apply for these positions which they have been successfully doing for years without major incident.
>
> Greg Forrest

> ...the new Master under 500 tonnes qualification and more importantly the pre requisites to even sit the course for example the sea time requirements will unfairly discriminate and hamper holders of Masters Class 4 applying and travelling to other states and competing for jobs.
>
> Seafarer – Master Class 4 certificate

Proposals from stakeholders included:

- issuing Master Class 4 certificate holders with sea service of 10 years or more a Master <500 certificate, provided they complete the minimum STCW fire and survival courses within the following 5 years; and
- issuing Master Class 4 certificate holders with sea service of 10 years or more a new tonnage ticket called a 'Master <1000 Tonne (domestic)', limited to either 200 or 600nm from the coastline.

Stakeholders were also concerned that the Master Class 4 certificates were not being fully recognised under the National System.

12.8 Other comments on Part D certificates

A number of comments were made on the Part D certification structure, namely:

- 25m, 50m and 80m cut-offs should be used, rather than the current limits;
- the Master <24m should incorporate engineering components, and allow for an endorsement to run a 10kVA genset;

- sea time on vessels <5m should be accepted;
- it can be difficult to complete sea time requirements where vessels operate mainly in D operational areas;
- the use of endorsements maintains safety by preventing 'open tickets' from being issued where the holder may not have adequate experience; and
- the General Purpose Hand qualification has been 'dumbed down' under the new Part D;
- the General Purpose Hand is inadequate for any crew in certain types of operations, including offshore oil and gas industry supply and support vessels. The GPH qualification should be limited to fishing vessels, marine tourism vessels, ferries and like vessels that operate in inshore waters, sheltered waters or in restricted offshore operations. In addition, the Skills and Knowledge requirements for the GPH Certificate should refer to the Maritime Training Package; and
- the Navigation Act licences and the National Law licences are not sufficiently integrated. All Certificates of Competency should form part of a single comprehensive VET qualifications and AMSA occupational licensing structure in the Ratings stream.

Detailed comments were also submitted in regards to the draft 'Industry Based Training Scheme & Task Book Steam Powered vessels<750kW'.

One stakeholder submitted his support for the streamlining concepts, provided crew competency requirements were not also downgraded.

> Despite all our focus on vessel standards, most incidents are caused by human error. Good crew are involved in fewer incidents. When an incident does occur, good crew are able to respond in a way that minimise adverse outcomes.
>
> Steve Dunn

12.9 First aid certification

Divergent views were expressed on the requirement for Certificate of Competency holders to maintain first aid certificates. Some stakeholders felt this was essential for safety, and believed that all seafarers should be required to undertake first aid training, including General Purpose Hands. Others agreed with a SMS approach, whereby the operator ensured that there was sufficient crew on-board with first aid qualifications to be able to render first aid to any person on-board the vessel within a reasonable period.

12.10 Training packages and training organisations

Comments were submitted regarding the Maritime Training Package and Approved Training Organisation arrangements. Approved Training Organisations are Registered Training Organisations that have been approved under the National Law.

Curriculum for MED 3 and MED 2

Two stakeholders submitted that the curriculum for MED 2 and MED3 qualifications be revised to include low level training on AC electrical safety that would consist of:

- isolating electrical systems;
- basic trouble shooting; and
- a complete shutdown of gensets before delving inside an electrical panel or switchboard.

More complex problems would continue to be managed by licensed electrical contractors.

Final assessments

There was support for final assessments being undertaken by Approved Training Organisations. These organisations could also directly issue the Certificate of Competency.

Training availability and costs

High training costs were a concern for many stakeholders. One suggestion involved recognizing operator induction and training of staff in order to reduce the cost of General Purpose Hand training.

The limited availability of Approved Training Organisations (and resulting lack of qualified seafarers) was noted, and stakeholders also submitted that they were experiencing significant delays in having their qualifications processed by Approved Training Organisations.

Training packages

One stakeholder submitted that the Maritime Training Package courses overlapped, duplicated content, and could be restructured to improve value for time and money.

Task books

There were concerns that the pre-National System Queensland requirement that task books be used was resulting in applicants opting to undertake their training in other jurisdictions.

12.11 Other certification issues

Other certification issues raised by stakeholders were:

- seafarers were being required to apply for lower level certificates to operate smaller vessels, including recreational vessels;
- international maritime qualifications should be more widely recognised;
- perpetual certificate holders (grandfathered certificates) should be required to undertake some form of ongoing education, for example, a regulator-led formal

information session every 5 or 10 years or a lower-level test that allows for the self-assessment of skills;

- Temporary Crewing Permits should be issued for 90 days, and should not require approval from two separate bodies (the Harbour Master and marine safety agency); and
- seatime should be verified and audited, as false seatime is being claimed.

12.12 Response to the feedback on concept #12

Master <35m endorsement to <45m

An endorsement will be issued to allow the holder of a Master <35m to operate vessels <45m where they have sufficient experience. Consideration is being given to the sea time requirements, and more information on the training and experience required to obtain the endorsement will be provided shortly.

Impact on other certificates

Master Class 4 certificate holders are issued a Master <35m certificate when their certificate is renewed. As such, the endorsement will be available to holders of Master Class 4 certificates who have the required experience.

Master Class 5 certificates are equivalent to Master <24m certificates and are not eligible for the endorsement.

No changes to the Engineer Class 3 certificate are proposed.

New entry level Coxswain

A new, entry level Certificate of Competency ('Coxswain 3') will be introduced. The certificate will be designed to meet the needs of the most simple, low risk, marine activities, such as operations on dams and other inland waterways, aquaculture operations and research activities. Training costs will be minimised.

Coxswain allowances

The Coxswain 1 will be permitted to operate in C waters. Further consideration will be given to the Coxswain 2 allowances.

The other comments on the Coxswain allowances will be considered when Part D of the NSCV is reviewed.

Pathway from Master Class 4 to STCW certification

State or Territory Master Class 4 certificates of competency issued under the USL Code are Australian domestic certificates. The holder of a State or Territory pre-1 July 2013 certificate with a 600nm operating limit is eligible for a 600nm endorsement under Marine Order 505 approved endorsements. However, importantly, they remain Australian domestic certificates, and do not permit the holder to enter the EEZ of another country.

Manning and crewing determinations for what certificates of competency must be held to operate foreign vessels in foreign countries is a decision that is made by the administration of that country.

An Australian operator may make a commercial decision to employ STCW certificate holders (rather than holders of Australian domestic Certificates of Competency) because this provides the flexibility for the vessel to operate beyond the EEZ under the Navigation Act. To create a pathway between Master Class 4 certificates and STCW certificates, the alignment of Master <35m with STCW will be pursued. This has been achieved for Engineer Class 3 and Master <80m.

Other comments on Part D certificates

The other comments submitted on the Part D certification structure will be taken into account when Part D is reviewed.

First aid certification

First aid certification requirements are currently being reviewed. It is envisaged that they will be moved to Part E of the NSCV, as part of the SMS obligations. This would mean that not all Certificate of Competency holders would be required to maintain first aid certification. Instead, the operator would be required to ensure that the number of crew with first aid certification will be adequate to respond to an incident, if one should occur.

Training packages and training organisations

The comments on the training packages will be taken into account when the Maritime Training Package is next reviewed. This includes the proposal for low level electrical training to form part of the MED 2 and MED 3 curriculum.

Once the Approved Training Organisation audit arrangements are in place, final assessments for Coxswain certificates will be able to be undertaken by Approved Training Organisations. It is intended that, as the arrangements mature, Approved Training Organisations will undertake the final assessments for more classes of certificates. Approved Training Organisations are Registered Training Organisations that have been approved under the National Law.

The conditions of approval also require Approved Training Organisations to issue qualifications within a specified timeframe (within 4 weeks of the completion of training), which should reduce delays experienced in receiving qualifications.

Other issues

Recognition of commercial qualifications to operate recreational vessels is a State and Territory issue. Seafarers should contact their local marine safety agency for information on the recreational vessel requirements in their jurisdiction.

Some international maritime qualifications are recognised, where there is a bilateral agreement in place between Australia and the country of issue. For these international qualifications, an application must be made to the National Regulator for a certificate of recognition. For international qualifications where Australia does not have a bilateral agreement with the country of issue, applicants can apply to an Approved Training Organisation for recognition of prior learning. See the AMSA website www.amsa.gov.au for more information.

There is no current intention to require perpetual certificate holders (grandfathered certificates) to undertake ongoing education. However, these certificate holders should ensure that they continue to have the skills required to perform the duties permitted by the certificate. In addition, the operator's SMS should ensure that crew on board a vessel continue to have the skills required to perform the functions expected of them.

Temporary Crewing Permits can be issued for up to 3 months. However, the National Regulator must not grant the permit unless satisfied that it will not jeopardise the safety of the vessel or a person on board a vessel. The length of the permit will depend on the particular risks of the operation and the conditions that can be imposed to effectively manage those risks.

13. Streamlining concept #13: recreational use exemption

Currently, domestic commercial vessels (DCV) can be used recreationally, provided the use has been approved by the National Regulator. In some cases, operators have been required to apply to the National Regulator each time the vessel is used recreationally.

13.1 The streamlining concept

The streamlining concept involves removing unnecessary paperwork for industry and the National Regulator by ensuring that operators apply for the recreational use exemption as part of the Certificate of Operation (rather than separately – halving the paperwork). The recreational use allowance (and any conditions) would then be noted on the Certificate of Operation.

Importantly, operators would not have to advise the National Regulator each time the vessel is used recreationally, nor apply for voyage-specific exemptions, unless required by the Certificate of Operation and provided they operate within the conditions identified on the Certificate of Operation.

For vessels that are not required to be on a Certificate of Operation, the exemption would permit recreational use of the vessel, with conditions. Operators of these vessels would not be required to apply for the recreational use exemption.

An alternative option is to allow specified vessels – such as vessels <24m – to operate recreationally without applying for approval. Other vessels would need approval to operate recreationally, which would be issued through the Certificate of Operation.

13.2 Support for the streamlining concept

There was strong support for streamlining the recreational use arrangements. Tourist operators and fishermen used their boats recreationally on weekends and during the off-season, and streamlining the recreational use exemption would remove unnecessary red tape.

> Although able to seek State exemption (for an annual fee), periodic recreational use of our member's vessels requires individual applications (for a fee) and considerable effort to comply.
>
> This is considered unnecessary, duplicitous, and costly when the commercial craft are recognised as safe to a very high standard.
>
> Seafood industry association

To support compliance and enforcement, suggestions by stakeholders included requiring vessels (in lieu of the application requirements) to:

- address the recreational use in the vessel's SMS;
- record recreational use in the vessel's log book;
- display a compliance plate that clearly showed the number of passengers they could carry;
- display vessel identification with an 'R' subscript; and
- fly code flag 'R' when in recreational use.

13.3 Support for the 'alternative option'

The majority of stakeholders supported the 'alternative option' whereby recreational use would be permitted for some vessels without any approval step.

Some supported the <24m cut-off, others suggested that <15m was appropriate. It was also argued that all vessels should be permitted to be used recreationally without any approval requirements.

However, one stakeholder argued that there are vessel configurations of all lengths that are not suitable for recreational use, and the approval step is necessary. It was suggested that the National Regulator actively promote concept of applying for recreational use at the time of applying for the Certificate of Operation, to ensure that the process is as streamlined as possible.

13.4 Concerns with the streamlining concept

It was submitted by a few stakeholders that the changes would encourage illegal operators. They also suggested that the person operating the vessel recreationally must be fully conversant with marine safety matters such as safe navigation, particularly when operating in the vicinity of other commercial operations, harbours and ports.

In addition, there was some confusion amongst stakeholders regarding what constituted 'recreational use', and more guidance on this issue was requested. For example, was the use of a company vessel to take staff out for social events 'recreational use'?

Finally, it was suggested that consultation be undertaken with WHS and fisheries agencies, as they may not accept a general exemption allowing recreational use.

13.5 Response to the feedback on concept #13

Vessels <12m will be permitted to operate recreationally without needing to apply for approval. However, in order to maintain safety and support compliance and enforcement activities, conditions will apply to the use.

These conditions are likely to include:

- recreational use must be recorded in the vessel's log book prior to commencement of recreational voyage;
- the risks of recreational use must be addressed in the vessel's SMS;
- the vessel must remain either recreational or commercial for an entire voyage;
- when operating recreationally, local recreational vessel obligations (qualifications, safety equipment, operational areas) must be met, except recreational registration and Australian Builders' Plate obligations;
- the vessel must comply with maximum load and passenger restrictions;
- any powered equipment, lifting equipment or other machinery that could pose a danger to passengers must be secured or isolated; and
- any operational restrictions that relate to the vessel's structure, machinery or systems must be complied with (eg speed restrictions, wave height limitations, requirements to secure watertight doors).

The exemption is currently being developed and the arrangement will be implemented as a priority.

Vessels ≥12m will continue to be required to apply for the recreational use exemption.

A vessel is operating recreationally when it is not being used in connection with a commercial, governmental or research activity. Guidance material will be issued providing examples of when a 'use' is considered to be recreational or commercial.

14. Stakeholder proposals

Stakeholders made further suggestions for how the National System could be streamlined. These are outlined below.

14.1 Forms and paperwork

There were general concerns that the paperwork requirements of the National System were excessive.

Stakeholders requested changes to the forms, including:

- remove the need for the owner to sign forms;
- include a 'vessel deficiency' form, which is completed during surveys;
- establish a central database of mariner information, so that forms can be pre-populated when completed online;
- reduce the length of the forms. At three pages, the temporary crewing permit application is too long;
- make the requirement to nominate a 'next of kin' optional. In certain circumstances, there may be no next of kin or the applicant does not wish to reveal that information. This should not prevent the certificate from being issued; and
- remove requirements to complete national 'AMSA' forms in addition to local delegate forms.

Stakeholders asked whether it would be possible, in the future, to apply online for many of the certificates or approvals.

Response

A review of the forms has been completed, through which the numbers of forms was reduced from 24 to 15 and 39 pages of forms were removed entirely. The new forms are now in use.

A vessel deficiency form is available for surveyors to use and the National Regulator will provide more guidance to the marine safety agencies on this issue.

Consideration is being given to moving to online transactions where possible.

14.2 Notices

One stakeholder criticised the use of improvement, prohibition and direction notices under the National System.

Another stakeholder criticised the use of Prohibition Notices following an incident report. The stakeholder was a high profile operator who reported all incidents and thoroughly inspected

and repaired vessels after an incident. The issue of a Prohibition Notice as a result of an incident report was an additional burden which unfairly discriminated against operators who reported.

Response

The National Regulator will work with delegates to ensure that improvement, prohibition and direction notices are issued appropriately and consistently, including when and how they are used as part of the survey process and following an incident report. Improvement notices can be issued where minor non-compliances must be rectified and where these deficiencies should not prevent the vessel from operating.

A vessel deficiency form is also available for surveyors to use and the National Regulator will provide more guidance to the marine safety agencies on this issue.

14.3 Delays in issuing certificates and decision making

Significant delays have been experienced in receiving new and renewed certificates, including Certificates of Competency, Certificates of Operation and Certificates of Survey.

One stakeholder compared the process of renewing a Certificate of Competency (7+ months) to the renewal of a truck driver's licence (on-the-spot). It was suggested that Certificates of Competency be issued by AMSA in order to resolve these delays. It was also proposed that temporary exemptions (interim approval until the certificate is received) should extend until the certificate has been issued, rather than expiring after 90 days and a new exemption having to be obtained.

Some stakeholders requested that permission to operate immediately be issued where the surveyor is satisfied that the survey has been completed satisfactorily. This would remove the need to apply for an exemption in order to operate before receiving the Certificate of Survey.

A five day turnaround on internal review decisions was requested. Concerns were also expressed regarding delays in obtaining ad hoc exemptions.

In addition, one stakeholder was frustrated with the process for having sea time recognised – he had been required to travel to another State in order to obtain recognition of the sea time.

Response

The National Regulator is working with delegates to reduce or remove delays in issuing certificates, and to ensure that vessels can continue to operate until the renewed certificate is issued without having to apply for an exemption.

Applications for internal review of decisions are generally complex. Time is needed to assemble the relevant information and consider the technical and policy issues involved. Most internal

review applications to date have been completed within 28 days. Exemptions are generally less complicated and can be done expeditiously, except for temporary permits to operate which may require careful review.

14.4 National consistency

The need for greater national consistency was emphasized. Suggestions included rigorous training of delegates and MSIs, to ensure that they are committed to and give effect to the National System.

Stakeholders were also critical of the different fee levels and structures around the country. There are large variations in the total quantum of fees between jurisdictions. The introduction of a single national fee schedule was proposed.

One stakeholder noted the differences in the formatting of survey certificates around the country and argued that they be nationally consistent in order to remove any confusion or discrepancies.

Another stakeholder had experienced difficulties in transferring a vessel from Tasmanian survey to Queensland survey. They suggested that the requirements for vessels <7.5m were poorly understood and interpreted differently around Australia.

Response

National consistency is one of the key goals and drivers of the National System. Different IT and database systems have prevented nationally consistent certificates from being issued to date. However, options are being considered to address the consistency issues raised by stakeholders.

A feature of the National System is the delivery of services by jurisdictions and their ability to charge and recover that cost. Differential fees and charges are a consequence of this arrangement.

14.5 Inspections

Stakeholders requested that consideration be given to the timing of inspections by MSIs. For example, a charter boat operator suggested that inspections did not take place while passengers were on board the vessels, particularly during peak times (such as the Christmas period), as it significantly disrupted the operation.

Information was also sought on who was liable when an infringement notice is issued – the Master or the Owner?

Response

The training program for MSIs will continue, to ensure that inspections are undertaken in a manner that is respectful to industry.

Both the Master and Owner (the person with overall general control and management of the vessel) could be responsible for a non-compliance under the law. The MSI will determine the appropriate party for the issue of an infringement notice.

14.6 Enabling communications between seafarers

It was suggested that a database of seafarer phone numbers be established and made available to seafarers, so that seafarers could contact each other in an emergency, such as a fire or mass rescue. The database would be available on a location-specific basis, and could be compiled from EPIRB registration information.

Response

Names and phone numbers collected as part of EPIRB registration are not collected for the purpose of publishing a public phone list, and could not be used in this manner under privacy law. However, the National Regulator encourages the use of Digital Selective Calling by operators, which allows seafarers to communicate in the case of an emergency.

14.7 Duration of exemptions and permits to operate

Stakeholders requested that temporary permits to operate and other exemptions (such as survey extensions) be issued for 12 months, instead of the current three month limitation. In some jurisdictions they were issued for 12 months prior to the introduction of the National System. As a result, the National System has increased the yearly permit or exemption costs for some operators fourfold.

Response

Consideration is being given to extending the time period for which the following exemptions can be issued:

- temporary operations exemption (currently may be issued for a maximum of 90 days);
- operation beyond survey time exemption (currently may be issued for a maximum of 3 months);
- temporary service permit (currently may be issued for a maximum of 30 days).

However, the National Regulator must not grant an exemption unless satisfied that it will not jeopardise the safety of a vessel or a person on board a vessel. Additional risks could arise as a result of a longer term exemption.

14.8 Incident reporting and investigation

The current incident reporting obligations were considered excessive, in particular the need for an initial and a written report, and the need to report to both the local marine safety agency and AMSA.

Improved co-ordination between authorities investigating incidents was also requested. For one operator, a shark attack on a vessel resulted in investigations by the Police, WHS agency, Marine Safety Queensland and AMSA.

There was some confusion over which agency had jurisdiction when an incident occurs on a docked vessel. It could involve WHS, AMSA, the local marine safety agency, Police and the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA).

Response

Greater coordination in incident investigation will be pursued through bilateral discussions with agencies (see concept #3 above).

14.9 Transitional and grandfathering arrangements

There was some confusion regarding the transitional and grandfathering arrangements. Questions included:

- do the grandfathering arrangements expire on 30 June 2016?
- until the SMS requirements come into effect for existing vessels, do the pre-1 July 2013 crewing determinations apply?
- what degree of vessel modification to a grandfathered vessel will cause the vessel to lose grandfather status and be assessed under the new Standards? The stakeholder operated a car-carrying barge, where passengers remained in their cars during the journey. Due to an unrelated modification to the vessel, a surveyor had advised the operator that the vessel was required to meet the NSCV and include passenger seating.

Operators were also concerned that the grandfathering arrangements had not been applied to their vessels.

Response

A vessel that was registered, held a certificate of survey or otherwise operated commercially prior to 1 July 2013 that:

- does not change its operations in a way that increases risk;
- is not significantly structurally modified; and
- continues to operate in the same geographic area as it did prior to 1 July 2013,

is not required to meet new design and construction or additional survey or crewing requirements. The vessel's pre-1 July 2013 arrangements are grandfathered and can apply

indefinitely. However, transitional equipment requirements and the operational standards of the NSCV (except minimum crewing) apply after a transitional period – generally by 1 July 2016.

The grandfathering arrangements apply to the vessels indefinitely, unless incident data dictates an alternate approach. The National Regulator will continually reassess the safety of the national fleet in light of incidents, emerging risks, changing technology and/or changing expectations. This includes reassessing grandfathered vessels in the future if the need arose on a safety basis.

The grandfathered crewing arrangements continue, even once Part E applies to the existing fleet. However, even if a grandfathering provision applies, the operator is still responsible for ensuring that the vessel is operated safely and for implementing and maintaining a safety management system. If an operator assesses the minimum crewing requirements for their operation, and these are higher than the grandfathered crewing arrangement, the assessment applies.

Modifications which require a vessel to be reassessed against the construction, subdivision or stability standard that applied to it will trigger a review of the grandfathering arrangement. This could include:

- an upgrade in the service category of the vessel;
- a change in the propulsion power of the vessel;
- a change in the vessel's displacement;
- the commencement of overnight operations;
- an increase in the passenger numbers of the vessel;
- a modification of the vessel that may affect safety; or
- a change to the vessel that requires a review of the vessel's stability.

The National Regulator will work with delegates to ensure that the grandfathering arrangements are implemented.

14.10 Treatment of tender and auxiliary vessels

It was suggested that tenders and auxiliary vessels be subject to the same treatment, as they are the same.

Response

The current Exemption for tenders and auxiliary vessels is being reviewed. The option of applying the same regulatory treatment to both tenders and auxiliaries under the new GSR / F2 standard is being considered.

14.11 Communication of the requirements

Some stakeholders were frustrated at the level of communication from both AMSA and the marine safety agencies. Issues included:

- pre-existing survey-exempt vessels not being aware of the National System until they attempted to renewal their vessel registration;
- insufficient customer service in regional areas; and
- difficulties in accessing information through the AMSA website.

It was suggested that AMSA send 'email alerts' to operators and seafarers on changes to the National Law. 'Road maps' of the requirements would also assist stakeholders to navigate the guidance materials.

Response

A 'one stop shop' manual will be developed to assist stakeholders navigate the requirements of the National System. 'Advisories' will also be used to alert delegates and industry to new interpretations, equivalent solutions, changes and emerging issues. See concept #1 above for more information on these arrangements.

In addition, the AMSA Domestic Commercial Vessel website will be reviewed, to improve its accessibility.

14.12 Engaging with insurers

Stakeholders suggested that the National Regulator engage with insurers on the streamlining concepts. Insurers' requirements provide another level of accountability for operators. Changes that are not in line with insurance requirements would increase costs for operators.

Response

The National Regulator has engaged with insurers on the streamlining concepts, and will continue to do so.

14.13 Definition of 'passenger'

One recreational boating training provider was concerned about receiving inconsistent advice on whether or not the trainees were 'passengers' or 'crew'.

There was also a request for allowances to be made for non-passenger vessels in emergency situations.

> The issue of under what conditions a type 2 "Non Passenger vessel" can carry passengers, needs clarification. Surely in an emergency such as retrieving distressed non

crew from the water during the course of their normal operation; especially but not only, in the case of Marine Rescue boats.

The carriage of Medical and other persons (Police, Ergon, QPWS, Council, SES etc) in specific circumstances to perform activities in remote locations only accessible by water, even non crew performing maintenance duties, qualify for exemption.

Kevin Hutchison

Response

The definitions of crew, passengers and special personnel are contained in Part B of the NSCV.

Crew are only those persons carried on board the vessel to provide navigation and maintenance of the vessel, its machinery, systems, and arrangements essential for propulsion and safe navigation; or to provide services for other persons on board. 'Recreational boating trainees' are unlikely to be 'crew'.

Recreational boating trainees are special personnel where they:

- have knowledge of safety procedures and handling of safety equipment on board;
- are carried on board in connection with the special purpose of the vessel (ie, to provide training); and
- are able bodied.

This means that, in order to be special personnel, trainees must be inducted into the safety procedures and safety equipment of the vessel.

If they are not special personnel (because they do not meet the requirements set out above), the trainees are passengers.

Similarly, emergency services personnel (such as SES, police) will also be special personnel where they are inducted into the safety procedures and safety equipment of the vessel.

The definition of 'special personnel' in Part B of the NSCV will be amended to include 'persons rescued and under the care and supervision of a crew member'.

14.14 Arrangements for RYA vessels

Some stakeholders raised concerns regarding the expiry of the exemption for Royal Yachting Association vessels on 30 June 2014.

Response

The RYA vessel exemption has been extended to 30 June 2018. It is intended that the approach contained in the exemption will be incorporated into the Marine Orders.

14.15 Arrangements for research vessels

Some stakeholders raised concerns regarding the expiry of the exemption for research vessels on 30 June 2018. They also wished to clarify that the exemption applied to vessels operating outside the Great Barrier Reef and Torres Strait region.

It was proposed that, in the longer term, university and research stations be treated in line with schools and life-saving organisations, rather than as commercial vessels.

> Because the persons operating these vessels are not career maritime personnel but researchers or educators most of which will not operate anything larger that a dinghy. So perhaps this type of operation should not be lumbered in with the mainstream commercial operators but could be treated like other entities such as schools, life savers etc for their small boat operations.
>
> Research vessel operator

Response

It is anticipated that the extension of the non-survey category, reduced 'base' periodic survey requirements, new 'restricted-C Class' arrangements, new entry level 'Coxswain 3' and revised construction standards, will create a regulatory regime that supports research operations without compromising safety.

In the transitional period, the exemption for research vessels (EX15) is available to research vessels outside of the Great Barrier Reef and Torres Strait regions, provided certain sea and weather conditions are satisfied. Applications will be considered on a case by case basis.

14.16 Recreational boating licensing requirements

There were objections to the requirement to hold a recreational boating licence in order to operate a tinny.

Response

The States and Northern Territory remain responsible for recreational vessel regulation, including recreational boating standards. This comment has been communicated to the State and Territory marine safety regulators.

14.17 Expanding the national system

It was proposed that the National System be expanded to include environmental laws impacting on maritime operations.

Response

At this stage, it is not considered feasible to expand the National System to cover all environmental laws impacting on maritime operations. Many of these laws are closely linked to the local environments in which the vessel is operating, and the local waterway managers are well-placed to determine the appropriate requirements.

14.18 Applying standards to recreational boats

Applying technical standards to all boats (recreational and commercial) was proposed as a way to make marine safety simpler and safer. This would allow any vessel to be operated in commercial use, with commercial registration and an SMS.

Response

The States and Northern Territory remain responsible for recreational vessel regulation, including recreational boating construction standards. This comment has been communicated to the State and Territory marine safety regulators.

14.19 Subsidising EPIRBs

Subsidising EPIRBs was proposed as a means of reducing search and rescue costs in the long term.

Response

The option of subsidising EPIRBS is not considered feasible at this point.

14.20 Interaction with the Navigation Act 2012

When a vessel obtains one or more certificates issued under an international convention, the vessel is deemed to be a Regulated Australian Vessel, and is subject to the Navigation Act 2012. It was submitted that a single convention certificate should not trigger the vessel becoming a Regulated Australia Vessel, as a single international certificate is insufficient for a vessel to trade internationally legally.

Response

The triggers for a vessel to be deemed a Regulated Australian Vessel are being considered.

However, load line certificates may be issued under the National Law, and – where they are issued under the National Law – will not trigger the Regulated Australian Vessel provisions.

Alternatively, the operator may obtain documents of compliance from a Classification Society, confirming that the requirements of the Load Line Convention have been met. The vessel is then exempt from the obligation to have a load line certificate under the National Law, provided the vessel is marked in accordance with the document of compliance and has a National Law Certificate of Survey. Where this occurs, the Regulated Australian Vessel provisions are not triggered.

Appendix A
List of submissions received

Alex Ogg, Western Australian Fishing Industry Council

Allan Barnett

Andrew Partington

Andy Perry, Svitzer Australia

Dr Anne Hoggett AM & Dr Lyle Vail AM, Lizard Island Research Station

Anthony Withington, Sanctuary Lakes Resort Services

Brett McCallum, Pearl Producers Association

Brian Cave, Great Adventures

Bruce Dunbar, Goulburn Murray Rural Water Corporation

Chris Daniel

Daniel Clements, Department of Environment and Primary Industries

Dave Carter, Austral Fisheries / NPF Industry Pty Ltd

Dave Hooper

Dave Jackson, Goulburn-Murray Water

David C Paton AM, School of Earth & Environmental Sciences, University of Adelaide

Dean Peters, Paspaley Pearling Company

Erik Eriksson

Gareth Johnson

Gordon Tuffley

Graeme Watson, Forest Edge Recreation Camp

Graham Harrowfield

Greg Forrest

James McArthur

James Nolan

Jan Claxton, Ocean Rafting

Associate Professor Jennifer Watling, Professor Sean Connell, Associate Professor Justin Brookes, Dr Bayden Russell, University of Adelaide

Jenny Munro, Department of Planning, Transport and Infrastructure South Australia

Joe Morrison

John Holland

John Norris

John Palmer

John Stewardson

Jon Pioch

JP Borsini

Kelly Harvie, E Campus Australia

Kelvin Rushworth, Department of Fisheries WA

Ken McAlpine

Kevin Hutchison

Lee Walker, Cambridge Management Services

Lorna Welsford

Mal Hiley, Waterway Constructions

Matt McDonald, SeaRoad Ferries

Mark Finlay, Goulburn Murray Water

Michael Clarkson, Reef Magic Charters

Michael Coates, Abalone Industry Association of South Australia Inc.

Michael Niemann, SeaLink Travel Group

Michael Uberti

Nathan Bicknell, Marine Fishers Association

Neil, Hillary's Yacht Club

Neil Stump, Tasmanian Seafood Industry Council

Nicholas Vernalls

Paddy Crumlin, Maritime Union of Australia

Pam Canney & Ian Lew, Levato Fisheries

Peter Tucker, Houseboat Hirers Association

Phil Thomson, Enviro Control Australia

Phillip Osmond, James Cook University

Rhett Sullivan

Richard Cullen

Captain Rick Metcalfe, Stradbroke Ferries Mineral Sands

Rob Fish and Katherine Winchester, Northern Territory Seafood Council

Rob Lowden

Ross Lilley

Ryan Green

Scott Evans

Scott Loveday

Sean Johnston, CMS Marine, Design & Consulting

Sean Henson, Post & Costal Marine Service

Simon Gravenall, MIPEC Project Services

Dr Stephen Keable, Australian Museum Research Institute

Steve Dunn

Steve Hinge

Stuart Ballantyne

Sue Baskott & Henry Doyle, Bunbury Boat Cruises

Tim Glover

Tim Nitschke, Goulburn-Murray Water

Tommy Ericson, Aluminium Boats Australia Pty Ltd

Travis Clarke, Quicksilver Connections

Trevor Rees, Whitsunday Bareboat Operators Association

Vic Goy, Marine Training Services

Wayne Fleming, Southern Rural Water