



Australian Government

Australian Maritime Safety Authority

# 2015-16 REGULATOR PERFORMANCE FRAMEWORK

## SELF-ASSESSMENT REPORT



## Document

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## Approvals

Title	Name	Signature	Date
Chief Operating Officer	Cherie Enders		20 September 2016
Chief Executive Officer	Mick Kinley		20 September 2016



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# 1 EXECUTIVE SUMMARY

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## 1.1 Self-assessment

The Australian Maritime Safety Authority (AMSA) undertook an annual self-assessment of its performance against the Regulator Performance Framework (RPF) in August 2016.

The self-assessment was informed by:

- the AMSA 2015-16 Annual Report;
- the 2015-16 AMSA Annual Performance Statement;
- additional evidence of good regulatory behaviour;
- the results of a trial RPF customer survey; and
- the professional knowledge and experience of AMSA's Executive team.

The self-assessment found:

- a reasonably strong correlation between the AMSA self-assessment result and trial RPF customer survey results;
- no wildly differing perspectives on AMSA's performance as a regulator; and
- a positive overall view of AMSA's performance, while at the same time signalling that the authority recognises that there are gaps/opportunities for improvement.

The self-assessment results broadly indicate that AMSA:

- effectively manages the balance between delivering benefits to industry and positive safety outcomes;
- is very aware that there is room for improvement across the range of RPF key performance indicator areas - and has an appetite to do so; and
- knows that assuming responsibility as the National Regulator for commercial domestic vessels represents a step-change which will require an agile and contemporary regulatory response.

Specific areas for improvement highlighted by the self-assessment include:

- raising stakeholder awareness and visibility of AMSA's decision making processes through better engagement, education and communication; and
- better harmonisation and coordination of AMSA resources across all ship types and sectors.

## 1.2 Self-assessment validation

The AMSA self-assessment was validated by the AMSA Advisory Committee – a representative body.

Overall there is a reasonably high degree of consensus/agreement between the validation and self-assessment results, with all six consolidated validation scores in the 'somewhat agree' to 'agree' range, albeit closer to 'agree'.

While the variances were not significant/of concern, management believes that the transition currently underway which sees AMSA assume full responsibility for service delivery of the National System for domestic commercial safety by July 2017 may have influenced some validation responses.

In regards to opportunities for improvement, the validation:

- reinforced the self-assessment conclusion that AMSA needs to increase efforts to raise stakeholder awareness and visibility of decision making processes; and
- highlighted the importance of communication, and the challenges inherent in communicating with such a wide range of stakeholders.

AMSA's ongoing efforts to improve maritime regulations to create a safer and more efficient industry were identified as a strength.

# 2 BACKGROUND

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## 2.1 Purpose

The purpose of the Regulator Performance Framework (RPF) is to encourage regulators to undertake their functions with the minimum impact necessary to achieve regulatory objectives, and to effect positive ongoing and lasting cultural change. The RPF commenced on 1 July 2015.

The RPF consists of six outcomes-based key performance indicators (KPIs) which set the Government's overarching expectations of regulator performance:

1. regulators do not unnecessarily impede the efficient operation of regulated entities
2. communication with regulated entities is clear, targeted and effective
3. actions undertaken by regulators are proportionate to the risk being managed
4. compliance and monitoring approaches are streamlined and coordinated
5. regulators are open and transparent in their dealings with regulated entities
6. regulators actively contribute to the continuous improvement of regulatory frameworks.

More information on the RPF is available at: [www.cuttingredtape.gov.au/resources/rpf](http://www.cuttingredtape.gov.au/resources/rpf).

## 2.2 Requirement

Regulators must self-assess their performance against the RPF annually. The results of the self-assessment must be:

- validated by an approved external stakeholder body - the Australian Maritime Safety Authority (AMSA) Advisory Committee (AAC)<sup>1</sup>;
- certified by AMSA's accountable authority<sup>2</sup> - the AMSA Board; and
- provided to AMSA's portfolio Minister and published no later than 31 December each year.

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<sup>1</sup>On 28 May 2015 the AAC agreed to be AMSA's external validation body for the Regulator Performance Framework (RPF), and agreed the proposed measures. On 1 December 2015 AMSA's portfolio Minister approved these arrangements

<sup>2</sup>*Public Governance, Performance and Accountability Act 2013* (PGPA ACT)

# 3 METHOD

## 3.1 Evidence

Where possible AMSA leveraged existing processes for data collection and analysis. The primary sources of evidence used for the self-assessment and validation were:

- the AMSA 2015-16 Annual Report – available at [www.amsa.gov.au](http://www.amsa.gov.au);
- the 2015-16 AMSA Annual Performance Statement – an appendix to the Annual Report (above), and a new Commonwealth reporting requirement from 2015-16 onwards;
- additional evidence of good regulatory behaviour – provided at Attachment 5.1 to this report; and
- the results of a trial RPF survey conducted with AMSA’s customers conducted over quarter four of 2015-16 via AMSA’s website - see [www.surveymonkey.com/r/WMLFSN6](http://www.surveymonkey.com/r/WMLFSN6).

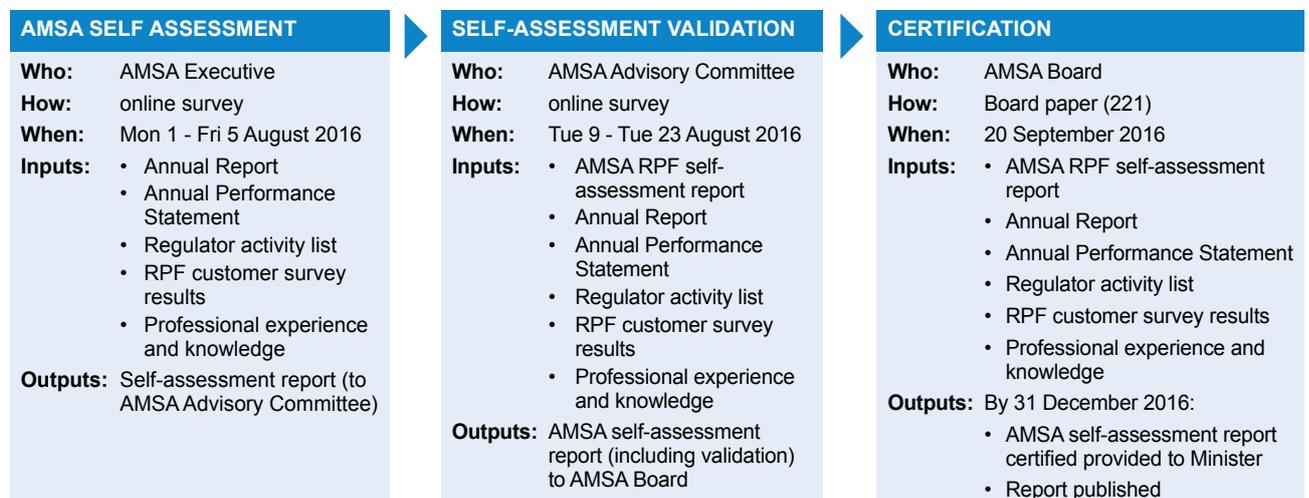
**Note:**

- the 2015-16 AMSA Annual Performance Statement reported performance against a range of measures previously identified and agreed as relevant/aligned to the RPF; and
- the small number of participants<sup>3</sup> in the trial RPF customer survey meant that the results were not statistically meaningful, however, they did provide an interesting comparator – see section 4 Results.

## 3.2 Process

Diagram One below details the overall self-assessment process.

**Diagram One: AMSA RPF self-assessment process**



<sup>3</sup>N=28, with 18 active participants. 60%/12 active participants identified with the domestic commercial vessel industry.

### 3.2.1 AMSA self-assessment

Over the period 1-5 August 2016 the AMSA Executive undertook a self-assessment of AMSA's performance against the RPF through an online survey.

The self-assessment survey consisted of six key statements/questions aligned to the RPF key performance indicators:

- Q1: AMSA helps vessel owners and seafarers safely operate or work on a vessel without getting in the way
- Q2: Our communications with those we regulate are clear and useful
- Q3: Given the risks involved in the industries AMSA regulates, the level of regulation is about right
- Q4: AMSA's compliance and monitoring arrangements are well organised and efficient
- Q5: AMSA explains its regulatory decisions well, and
- Q6: AMSA is always trying to improve maritime regulations to create a safer and more efficient industry.

The response options were:

1	2	3	4	5	6	7
strongly disagree	disagree	somewhat disagree	somewhat agree	agree	strongly agree	n/a

Participants were also given the opportunity to provide general comments at the end of the survey.

### 3.2.2 Validation

Over the period 9-23 August 2016 the AMSA Advisory Committee validated AMSA's RPF self-assessment through an online survey.

The purpose of the validation is to be a sounding board for the self-assessment results prior to them being considered by the AMSA Board, and subsequently by AMSA's portfolio Minister.

The AMSA Advisory Committee is a peak maritime representative body comprised of senior representatives from the following organisations:

- Ports Australia
- Department of Defence
- Royal Australian Navy
- Farstad Shipping (Indian Pacific) Pty Ltd
- Caltex Australia Petroleum Pty Ltd
- Yachting Australia
- Maritime Industry Australia Ltd
- Australian Antarctic Division
- Australian Maritime College
- Maritime Union Australia
- Shipping Australia Limited
- Australian Marine Conservation Society
- Braemar ACM Ship broking
- WA Fishing Industry Council Inc
- Australian Petroleum Production & Exploration Association

The results of the AMSA self-assessment survey were consolidated in a report and provided to the AMSA Advisory Committee, along with the other inputs (evidence) detailed in diagram one, by email on Friday 8 August 2016 as a precursor to receiving an invitation to take part in the validation survey.

AMSA Advisory Committee members were encouraged to put time aside to review the evidence prior to undertaking the survey.

The validation survey was a variation on the six self-assessment key statements/questions. Each question asked the participant to determine:

*“whether the AMSA self-assessment result against the relevant KPI is a fair and accurate representation of AMSA’s performance, based on the evidence presented to them and their own experience”.*

Each question also detailed the corresponding survey question/statement posed to the AMSA Executive, and the summary self-assessment result.

Diagram Two is an example of the validation survey question format.

Diagram Two: example of validation survey question format

**AMSA Advisory Committee validation - Regulator Performance Framework**

*RPF KPI 1: regulators do not unnecessarily impede the efficient operation of regulated entities*

**1. The evidence and my own experience suggests that the self-assessment result against this KPI is a fair and accurate representation of AMSA's performance** *(Survey question: AMSA helps vessel owners and seafarers safely operate or work on a vessel without getting in the way. Self-assessment result: 4.14 'somewhat agree' to 'agree')*

strongly disagree	disagree	somewhat disagree	somewhat agree	agree	strongly agree	N/A
<input type="radio"/>						

Comments

3 / 11  27%

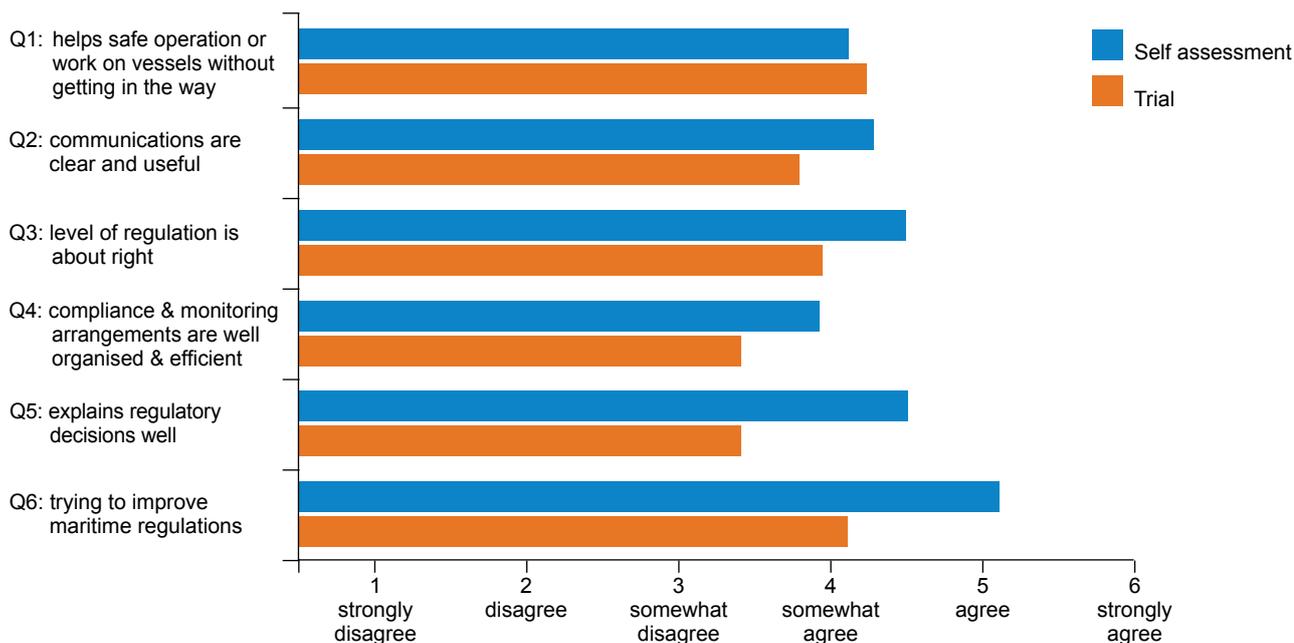
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# 4 RESULTS

## 4.1 AMSA RPF self-assessment

The summary results<sup>7</sup> of the AMSA self-assessment against each question are shown in graph one (blue bars). For comparative purposes the results of the trial survey conducted with a small number of AMSA's customers/stakeholders using a similar question set are portrayed by the orange bars.

**Graph one: Regulatory Performance Framework - AMSA self-assessment v trial RPF customer survey**



The detailed results and comments for each self-assessment question are at Attachment 5.2.

### 4.1.1 Analysis

There is a reasonably strong correlation between the AMSA self-assessment and the results of the trial RPF customer survey. Although the number of participants in the trial survey were not statistically meaningful and the bulk of participants were from the domestic vessel industry (60%), there appears to be a positive relationship between the respective results with no wildly differing perspectives on AMSA's performance as a regulator.

There was a high degree of consistency for the responses across questions one-four between the self-assessment and trial survey. Of particular note was the favourable result from the trial (4.29) for question one – *AMSA helps vessel owners and seafarers safely operate or work on a vessel without getting in the way* – compared to AMSA's self-assessment of 4.14.

The most significant variance in perspectives (1.05) was for question five – *AMSA explains its regulatory decisions well*.

Aside from question one, there was a general trend for the AMSA self-assessment to score slightly higher (average +.58) than the trial result. Both the statistical results and the qualitative comments suggest that this could be due to the AMSA Executive taking a far more holistic view of regulatory performance across all areas (e.g. the regulation of merchant vessels subject to the SOLAS<sup>8</sup> convention), whereas the trial results were heavily influenced by domestic vessel participants.

<sup>7</sup>Weighted average

<sup>8</sup>Safety of Life at Sea

The average weighted response score for the AMSA self-assessment questions was 4.39 – between ‘somewhat agree’ and ‘agree’. While this is a positive overall result (noting that there was no neutral scoring option provided in the survey), at the same time it signals that AMSA recognises that there are gaps/ opportunities for improvement<sup>9</sup>.

The AMSA self-assessment results, supported by the trial results, broadly indicate that AMSA:

- actively tries to manage the balance between delivering benefits to industry and positive safety outcomes
- is very aware that there is room for improvement across the range of RPF key performance indicator areas - and has an appetite to do so
- knows that assuming responsibility as the national regulator for commercial domestic vessels represents a step-change which will require an agile and contemporary regulatory response.

Specific areas for improvement highlighted by the self-assessment include:

- raising stakeholder awareness and visibility of AMSA’s decision making processes
- better harmonisation and coordination of AMSA resources across all ship types and sectors.

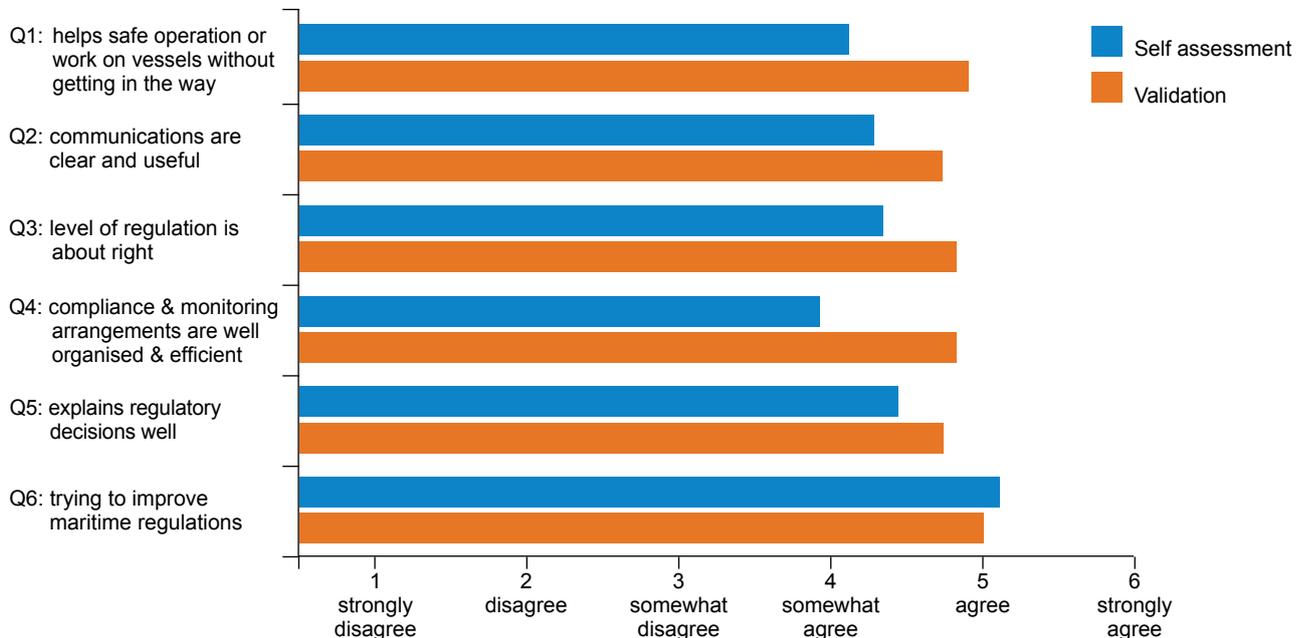
## 4.2 AMSA Advisory Committee Validation

The summary results<sup>10</sup> of the AMSA Advisory Committee’s validation of the self-assessment results are shown in graph two (orange bars).

Readers should note that the validation results:

- Indicate how strongly the AMSA Advisory Committee agrees or disagrees with the AMSA self-assessment (blue bars).
- Are not the AMSA Advisory Committee’s direct assessment of AMSA against the RPF key performance indicators and survey questions.

**Graph two: Regulatory Performance Framework - AMSA self-assessment v AAC validation**



The detailed results and comments for each validation question are at Attachment 5.3.

<sup>9</sup>Trial average was 3.81 – closer to ‘somewhat agree’ than ‘somewhat disagree’.

<sup>10</sup>Weighted average.

## 4.2.1 Analysis

Overall there is a reasonably high degree of consensus/agreement between the validation and self-assessment results, with all six consolidated validation scores in the 'somewhat agree' to 'agree' range, albeit far closer to 'agree'.

The Department of Prime Minister and Cabinet advises that variances between self-assessment and validation results do not have to be resolved prior to reporting to the Minister, but should be explained.

While the variances are not significant/of concern, further investigation showed that one validation respondent (from 11) consistently scored 'disagree', and in once instance (Q4), 'strongly disagree'. If this respondent's scores were discounted, all validation consolidated scores would move into the 'agree' to 'strongly agree' range.

Supported by some of the qualitative validation comments, management believes that the transition currently underway which sees AMSA assuming full responsibility for service delivery of the National System for domestic commercial safety by July 2017 may have influenced some validation responses. Of particular note, the public consultation process for cost recovery under the National System started while the self-assessment validation was underway.

In regards to opportunities for improvement, the validation:

- reinforced the self-assessment conclusion that AMSA needs to increase efforts to raise stakeholder awareness and visibility of decision making processes
- highlighted the importance of communication, and the challenges inherent in communicating with such a wide range of stakeholders.

The highest validation score (5.00) was against Q6: *AMSA is always trying to improve maritime regulations to create a safer and more efficient industry*. The qualitative comments (extracts below) indicate that this area is perceived as a strength for AMSA:

- "I agree that AMSA always tries to improve and enhance safety through revised regulation"
- "World leading in many respects"
- "my view is that this aspect is a strong point"
- "I am of the view that AMSA is doing well in a difficult and complex environment to improve regulatory frameworks".

# 5 ATTACHMENTS

## 5.1 Additional evidence of good regulatory behaviour

**DESCRIPTION:** this table describes activities that AMSA undertakes that constitute evidence of good regulatory behaviour against each of the six Regulator Performance Framework (RPF) key performance indicator (KPI) areas. This information complements the quantitative performance information detailed in our Annual Report and Annual Performance Statement.

**HOW TO READ THIS TABLE:** the grey columns on the left of the table detail the measures and examples provided by the Department of Prime Minister and Cabinet. The blue columns on the right detail AMSA's current activity, and planned improvements.

Department of Prime Minister and Cabinet guidance		AMSA Evidence	
KPI	Rationale	Measures of good regulatory performance	Examples of output & activity based evidence
1	<b>Regulators do not unnecessarily impede efficient operations for regulated entities</b>	Regulators demonstrate an understanding of the operating environment of the industry or organisation, or the circumstances of individuals and the current and emerging issues that affect the sector.	Regular, ongoing consultations or engagement with stakeholders on policies and procedures, including independent experts and industry associations.
	Regulators take actions to minimise the potential for unintended negative impacts of regulatory activities on regulated entities or affected supplier industries and supply chains.	Regulators implement continuous improvement strategies to reduce the costs of compliance for who they regulate.	Documented responsiveness to feedback from regulated entities, including feedback from existing complaint mechanisms and surveys of regulated entities.
	Regulators implement continuous improvement strategies to reduce the costs of compliance for who they regulate.	Regulators implement continuous improvement strategies to reduce the costs of compliance for who they regulate.	Environment scanning is undertaken regularly and at a minimum, on an annual basis.
	Regulators implement continuous improvement strategies to reduce the costs of compliance for who they regulate.	Regulators implement continuous improvement strategies to reduce the costs of compliance for who they regulate.	Demonstrated engagement with relevant international organisations to learn from peer experiences and share better practices.
			<p><b>Current AMSA activity</b></p> <p>(1) AMSA Board (2) AMSA Advisory Committee (3) Regulatory development consultation process (4) Consultative bodies (see Annual Report p.71 &amp; consultative bodies list) (5) Bi-annual conference (6) National system liaison roles (Annual Report p.41), (7) many AMSA staff come directly from industry and maintain links with industry, robust consultation process when formulating policy including close consultation with industry (8) National Plan Technical Working Groups and Strategic Industry Advisory Forum (9) Engagement with State/NT on potential inconsistencies with International Shipping Regulations (MAF &amp; TISOC)</p> <p><b>AMSA Evidence</b></p> <p>(1) Management System complaints register (2) AMSA connect transaction survey (3) Event and workshop evaluation forms (4) AMSA connect general inquiries (5) AMSA Connect telephony survey (6) Bi-annual stakeholder survey, (7) Bi-annual stakeholder survey, (8) Biennial AtoN questionnaire circulated by AMSA on behalf of IALA, to state and port authorities, (9) Ad-hoc surveys of mariners on specific navigational safety issues, (10) Combined Pilotage Group, (11) targeted pilotage consultative surveys (12) National Plan Training learner evaluations (13) Post incident/exercise reviews</p>
			<p><b>Planned improvements</b></p> <p>(1) Centralised complaints and feedback process (2) Regulator Performance Framework customer experience survey (trial implemented)</p>

KPI	Department of Prime Minister and Cabinet guidance		AMSA Evidence		
	Rationale	Measures of good regulatory performance	Examples of output & activity based evidence	Current AMSA activity	
2	<p><b>Communication with regulated entities is clear, targeted and effective</b></p>	<p>Regulators provide guidance and information that is up to date, clear, accessible and concise through media appropriate to the target audience</p> <p>Regulators consider the impact on regulated entities and engage with industry groups and representatives of the affected stakeholders before changing policies, practices or service standards</p> <p>Regulators' decisions and advice are provided in a timely manner, clearly articulating expectations and the underlying reasons for decisions</p> <p>Regulators' advice is consistent and supports predictable outcomes</p>	<p>Percentage of guidance materials that complies with government accessibility guidelines.</p> <p>Maximum, minimum and average time for decision</p> <p>Published timeframes for decision making</p> <p>Percentage of decisions accompanied by statement of reasons and advice about relevant review or appeal mechanisms, where appropriate</p> <p>Number of policy/standards changes which are preceded by comprehensive engagement with stakeholders.</p> <p>Approved procedures for communications (including issue-specific scripts if relevant) are available for staff use when interacting with regulated entities.</p> <p>Advice provided to regulated entities is consistent with communication policies</p> <p>Demonstrated feedback is sought from stakeholders on guidance and advice provided by the regulator via a wide range of mechanisms, including stakeholder surveys</p> <p>Demonstrated mechanisms for responding to stakeholder engagement/complaint</p>	<p>(1) Enforcement of accessibility standards (2) SC3 PROJECT - Certificate and Pilotage System: make the way we issues certificates more effective and efficient, ultimately improving service delivery to seafarers. (3) National Safety Management System Training Resource Kit (Annual Report, p. 41) AMSA Aboard, Working boats, On Scene, Maritime Safety Awareness Bulletin, 24/7 media hotline, Facebook (20,500 followers), Twitter (23,500) (p.73 Annual Report), (4) VTS and Coastal Pilotage webpage (external site), Marine Notices and Pilot Advisory Notes (5) National Plan Supporting Documents (6) website forms, fact sheets and publications (7) NATSAR Council website, Beacons website</p> <p>(1) AtoN Strategy &amp; Operations Working Group (SOWG), (2) AIS Working Group, (3) VTS Working Group, (4) Marine Order Workshops, (5) Combined Pilotage Group, (6) Individual Coastal Pilotage Provider Liaison (7) National Plan Committees and Working Groups (8) NATSAR Council</p> <p>(1) VTS Compliance and Enforcement Framework, (2) AMSA's Regulations</p> <p>(1) VTS Compliance and Enforcement Framework, (2) AMSA's Regulations</p> <p>(1) Regulatory development consultation process, (2) VTS Compliance and Enforcement Framework, (3) Annual AtoN Review process, (4) Marine Notice and Marine Order External Consultation (5) Meetings and briefings prior to attendance at IMO</p> <p>(1) Management system - communications procedures, (2) VTS Compliance and Enforcement Framework, (3) Standard Operating Procedures and Delegated Authorities</p> <p>(1) AMSA Aboard, Working boats, (2) On Scene, Maritime Safety Awareness Bulletin, (3) VTS Compliance and Enforcement Framework, (4) Marine Notices, (5) Pilot Advisory Notices (6) Communicating IMO meeting outcomes and amendments via website - MARPOL Current Texts</p> <p>(1) Bi-annual Stakeholder Survey, (2) VTS Compliance and Enforcement Framework, (3) Targeted Pilotage Surveys (4) National Plan Committees and Working Groups (5) National exercise arrangements (6) Meetings and briefings prior to attendance at IMO</p> <p>(1) AMSA Compliments/Complaints Register (2) Responses to web/email enquiries directed to EPS</p>	<p>Planned improvements</p> <p>(1) Regulator Performance Framework customer experience survey (pilot implemented)</p> <p>(1) Centralised complaints and feedback process</p>

Department of Prime Minister and Cabinet guidance				AMSA Evidence	
KPI	Rationale	Measures of good regulatory performance	Examples of output & activity based evidence	Current AMSA activity	Planned improvements
3	<p><b>Actions undertaken by regulators are proportionate to the regulatory risk being managed</b></p>	<p>Regulators apply a risk-based, proportionate approach to compliance obligations, engagement and regulatory enforcement actions</p> <p>Regulators' preferred approach to regulatory risk is regularly reassessed. Strategies, activities and enforcement actions are amended to reflect changing priorities that result from new and evolving regulatory threats, without diminishing regulatory certainty or impact</p> <p>Regulators recognise the compliance record of regulated entities, including using earned autonomy where this is appropriate. All available and relevant data on compliance, including evidence of relevant external verification is considered</p>	<p>Risk management policies and procedures are available to regulator staff and the public</p> <p>Compliance and enforcement strategies, consistent with agreed risk management policies are published</p> <p>Documented approaches in place to review risk approaches regularly.</p> <p>Statements of expectations and intent are published</p> <p>Agreed quality assurance processes are in place for staff use</p> <p>Relevant staff trained in risk management policies, processes and procedures</p> <p>Documented enforcement strategy which allows for the compliance records of regulated entities to be considered in determining regulatory actions</p> <p>Documented enforcement strategy includes options for graduated compliance actions consistent with regulators' powers</p> <p>Demonstrated engagement with regulated entities to inform them of the regulators' expectations</p> <p>Demonstrated avenues for stakeholders to provide feedback and processes or policies to incorporate/consider this when tailoring approaches to risk</p>	<p>(1) Risk Management Framework (2) Management System (3) Comcover Risk Management Awards, (4) Compliance and Enforcement Policy and Protocols</p> <p>(1) AMSA external website (2) Annual Report performance information, (3) Compliance and Enforcement Policy, (4) VTS Compliance and Enforcement Framework</p> <p>(1) Risk Management Framework (2) Integrated planning process (3) SC1 PROJECT - Implement a replacement system for ship registration, risk profiling and recording of inspection, safety compliance and incident records, (4) Annual internal Aton Review, (5) Aton WHS policies and procedures, (6) Coastal Pilotage Provider Safety Management Systems (7) IOPC Funds Australian Contributor Audits* (1) AMSA website, (2) Marine Notices, (3) Pilot Advisory Notes (1) Management system (1) Management system (2) Risk management framework (3) Inductions (4) e-learning (1) Shipsys, (2) Compliance and Enforcement Policy and Protocols (1) Compliance and Enforcement Policy and Protocols</p> <p>(1) AMSA Advisory Committee (2) Regulatory development consultation process (3) Consultative bodies (Annual Report, p.71, separate tab) (4) Bi-annual conference, (4) VTS and Pilotage Provider SMS audit outcomes, (5) Pilotage Exam Feedback, (6) Marine Notices (1) Management System complaints register (2) AMSA connect transaction survey (3) Event and workshop evaluation forms (4) AMSA connect general inquiries (5) AMSA Connect telephony survey (6) Bi-annual stakeholder survey, (7) Marine Order consultation, (8) Consultative bodies (Annual Report, p.71, separate tab) (9) National Plan Committees and Working Groups</p>	<p>(1) Centralised Complaints &amp; feedback process (2) Regulator Performance Framework customer experience survey</p>

KPI	Department of Prime Minister and Cabinet guidance		AMSA Evidence		
	Rationale	Measures of good regulatory performance	Examples of output & activity based evidence	Current AMSA activity	
4	<p><b>Compliance and monitoring approaches are streamlined and coordinated</b></p>	<p>Regulators' information requests are tailored and only made when necessary to secure regulatory objectives, and only then in a way that minimises impact</p> <p>Regulators' frequency of information collection is minimised and coordinated with similar processes including those of other regulators so that, as far as possible, information is only requested once</p> <p>Regulators utilise existing information to limit the reliance on requests from regulated entities and share the information among other regulators, where possible</p> <p>Regulators base monitoring and inspection approaches on risk and, where possible, take into account the circumstance and operational needs of the regulated entity</p>	<p>Number of repeat information requests made to regulated entities annually</p> <p>Percentage of inspection visits co-ordinated with similar regulators</p> <p>Percentage of information shared and received among regulators</p> <p>Proportion of information obtained from other sources, with input not required from regulated entities</p> <p>Evidence of collected information being acted upon, stored and re-used</p> <p>Demonstrated transparency of inspection and monitoring arrangements</p> <p>Feedback mechanisms to seek stakeholder views on inspection and monitoring regime</p> <p>Monitoring and enforcement strategies that allow for a range of regulatory responses</p> <p>Regular review and assessment of agreed monitoring and compliance strategies, including use of earned autonomy approaches</p>	<p>(1) Sugar CRM (2) Shipsys (3) Navis (4) NEMO</p> <p>(1) Deregulation Steering Committee, (2) Targeted External Stakeholder Consultation including Surveys</p> <p>(1) Sugar CRM (2) Shipsys (3) Navis, (4) Craft Tracking System, (5) Marweb, (6) TRIM (7) NEMO (8) National Plan lessons management for exercises</p> <p>(1) Ad-hoc surveys and biannual IALA questionnaires are used as primary monitoring mechanisms</p> <p>(1) Consultative bodies (Annual Report, p.71, separate tab)</p>	<p>Planned improvements</p> <p>(1) AtoN audits of state marine and port authorities based on IMO Member state audit requirements.</p>

Department of Prime Minister and Cabinet guidance		AMSA Evidence	
KPI	Rationale	Measures of good regulatory performance	Examples of output & activity based evidence
5	<p><b>Regulators are open and transparent in their dealings with regulated entities</b></p>	<p>Regulators' risk-based frameworks are publicly available in a format which is clear, understandable and accessible</p> <p>Regulators are open and responsive to requests from regulated entities regarding the operation of the regulatory framework, and approaches implemented by regulators</p> <p>Regulators' performance measurement results are published in a timely manner to ensure accountability to the public.</p>	<p>Enforcement strategy and risk approach are published</p> <p>Performance measurement results are published</p> <p>Percentage of regulated entities that receive requests for information with the reasons for these requests communicated clearly and consistently</p> <p>Percentage of performance information publicly available</p> <p>Number of responses to requests from regulated entities provided within specified timeframes</p> <p>Advice and guidance is widely available to stakeholders, with feedback mechanisms in place to support and inform continuous improvement</p>
			<p><b>Current AMSA activity</b></p> <p>(1) Corporate Plan (2) Annual Report, (3) Compliance and Enforcement Policy and Protocols, (4) National Plan Risk Assessment Reports</p> <p>(1) Annual Report (2) Media releases (3) SC5 PROGRAM - AMSA Contact Centre to improve the overall customer/stakeholder experience and to deliver efficiencies (4) National Plan Year-in-Review</p>
			<p><b>Planned improvements</b></p> <p>(1) External website to include risk framework</p> <p>(1) Quarterly performance evidence made available</p>
			<p><b>Current AMSA activity</b></p> <p>(1) Annual Report, (2) External Website, (3) Distribution of Pilotage Statistics (4) Marine Environment Current Issues briefing (external version) available to Port State Marine Pollution Committees (5) National Plan Year-in-Review</p>
			<p>(1) Centralised complaints and feedback process</p> <p>(1) Centralised complaints and feedback process</p>

KPI	Department of Prime Minister and Cabinet guidance		AMSA Evidence		
	Rationale	Measures of good regulatory performance	Examples of output & activity based evidence	Current AMSA activity	Planned improvements
6	<p><b>Regulators actively contribute to the continuous improvement of regulatory frameworks</b></p>	<p>Regulators establish cooperative and collaborative relationships with stakeholders to promote trust and improve the efficiency and effectiveness of the regulatory framework</p> <p>Regulators engage stakeholders in the development of options to reduce compliance costs. This could include industry self-regulation, changes to the overarching regulatory framework, or other strategies to streamline monitoring and compliance approaches</p> <p>Regulators regularly share feedback from stakeholders and performance information (including from inspections) with policy departments to improve the operation of the regulatory framework and administrative processes</p>	<p>Documented procedures are in place to allow active and regular engagement with stakeholders</p> <p>Feedback mechanisms are available and made known to all stakeholders</p>	<p>(1) AMSA Advisory Committee (2) Regulatory development consultation process (3) Consultative bodies (see Annual Report) (4) Bi-annual conference, (5) Management System</p> <p>(1) SC5 PROGRAM - AMSA Contact Centre Improvement Program: establish a consolidated AMSA contact centre to improve the overall customer/stakeholder experience and to deliver efficiencies, (2) Consultative bodies (see Annual Report), (3) AMSA external website</p> <p>(1) AMSA Advisory Committee (2) Regulatory development consultation process (3) Consultative bodies (see Annual Report p.71) (4) Bi-annual conference</p> <p>(1) AMSA Advisory Committee (2) Regulatory development consultation process (3) Consultative bodies (see Annual Report p.71) (4) Bi-annual conference</p> <p>(1) Management System</p> <p>(1) Annual Report</p>	<p>(1) Integrated planning process - engagement of key stakeholder groups</p> <p>(1) Centralised complaints and feedback process</p> <p>(1) Quarterly Reporting</p>

**DESCRIPTION:** this table list the consultative bodies that AMSA runs, or external consultative bodies that AMSA participates in.

Involvement in consultative bodies contributes to the following Regulator Performance Framework key performance indicators (KPI): **KPI 2** Communication with regulated entities is clear, targeted and effective; **KPI 5** Regulators are open and transparent in their dealings with regulated entities; **KPI 6** Regulators actively contribute to the continuous improvement of regulatory frameworks.

#### **AMSA-run consultative bodies**

Aids to Navigation Strategy and Operations Working Group  
 AMSA Advisory Committee  
 AMSA Livestock Advisory Committee  
 Australian Automatic Identification System Working Group  
 Australian Government National Plan Committee  
 Australian Seafarers' Welfare Council  
 Australian Search and Rescue Consultative Forum  
 Bulk Cargoes Advisory Group  
 Coastal Pilotage Training Working Group  
 Combined Pilotage Group  
 Domestic Vessel Industry Advisory Committee  
 Fishing Industry Advisory Committee  
 Human Elements, Training and Watchkeeping Stakeholders Workshop  
 Marine Pollution Preparedness and Response Technical Group  
 Marine Pollution Prevention Technical Group  
 Marine Pollution Recovery Technical Group  
 Maritime Agencies Forum  
 Navigational Services Advisory Committee  
 National Plan Strategic Coordination Committee  
 National Plan Strategic Industry Advisory Forum  
 National Search and Rescue Council  
 National Standard for Commercial Vessels (NSCV) Part F2 – Leisure craft & NSCV Part G – General Safety requirements  
 North-East Shipping Management Group  
 North-East Water Space Management Working Group  
 Vessel Traffic Services Working Group

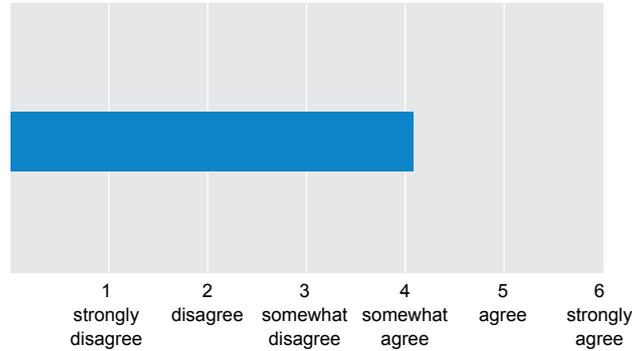
#### **External consultative bodies**

Australia New Zealand Safe Boating Education Group  
 Australian International Telecommunications Union Working Group  
 Australian Recreational Boating Safety Committee  
 Australian Shipbuilders' Association Technical Committee  
 Australian Strategic Air Traffic Management Group  
 Bass Strait Livestock Shipping Committee  
 Civil Aviation Safety Authority Standards Consultative Committee  
 Livestock Export Standards Advisory Group  
 National Positioning Infrastructure-Advisory Board  
 National Volunteer Marine Search and Rescue Committee  
 North East Water Space Management Working Group  
 Ports Australia Environmental and Sustainability Working Group  
 Ports Australia Operations Working Group  
 Positioning, Navigation and Timing Working Group  
 REEFVTS Management Group  
 Standards Australia technical committees (various)  
 State/territory search and rescue committees

## 5.2 AMSA 2015-16 RPF self-assessment detailed responses

### Q1: AMSA helps vessel owners and seafarers safely operate or work on a vessel without getting in the way

Answered: 7 Skipped: 0



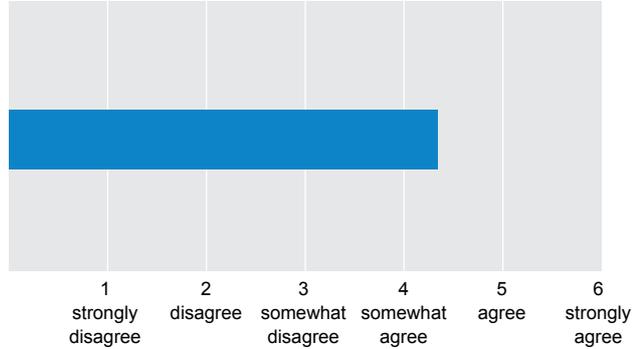
strongly disagree	disagree	somewhat disagree	somewhat agree	agree	strongly agree	n/a	total	weighted average
0.00%	0.00%	0.00%	85.71%	14.29%	0.00%	0.00%	7	4.14
0	0	0	6	1	0	0		

#### Comments:

- “I think our intentions are on target, however, there are some process issues around Equivalent Means of Compliance (EMOC) and exemptions that we have to streamline. From my experience as a stakeholder in the Standards of Training, Certification and Watch keeping (STCW) world I think AMSA does a very good job at regulating and service is in the main very flexible”
- “As a general rule we do try to do this, however there are also times we revert to risk-averse thinking or worrying about ‘setting a precedence’. We seek a cultural change in industry and perhaps have some internal cultural work to do also”
- “Agree with this for the big ship end of town. For domestic vessels we have attempted to facilitate this with grandfathering and exemptions. Difficult to achieve a balance between risk, regulation and cost and measurement of effectiveness. Effective engagement with industry is important, we have a number of mechanisms to achieve this e.g. Fishing Industry Advisory Committee (FIAC), Domestic Vessel Industry Advisory Committee (DVIAC), Navigation Safety Advisory Group (NSAG), Bulk Cargoes Advisory Group (BCAG) etc”

Q2: Our communications with those we regulate are clear and useful

Answered: 6 Skipped: 1



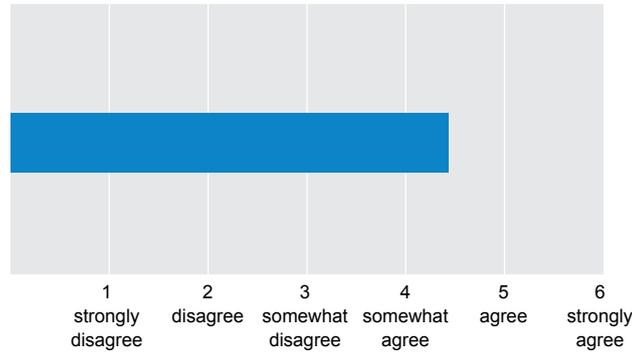
strongly disagree	disagree	somewhat disagree	somewhat agree	agree	strongly agree	n/a	total	weighted average
0.00%	0.00%	0.00%	66.67%	33.33%	0.00%	0.00%	6	4.33
0	0	0	4	2	0	0		

**Comments:**

- “There is a very wide variety of stakeholders in the domestic vessel (DV) realm and finding a consistent form of messaging that is at the ‘right level’ is problematic. Concepts are often difficult to break down sufficiently for some stakeholders”
- “Particularly for the SOLAS size”
- “I certainly think we are better than most at TRYING to communicate widely and clearly however in trying to do this widely we use various options and various people which at times ends up delivering conflicting messages”
- “We have numerous consultative mechanisms, from formal advisory groups, broadcast external consultation for Marine Orders, ‘pushed’ information such as bulletins, newsletters and Marine Notices. We also have dedicated ‘liaison officers’ in the regions. Whilst the legislation and regulations can be complex our guidance material aims to simplify and assist the end user, sometimes this can be a challenge. There is an opportunity into the future to refine the target audience as well as determine the effectiveness of our communications”

**Q3: Given the risks involved in the industries AMSA regulates, the level of regulation is about right**

Answered: 7 Skipped: 0



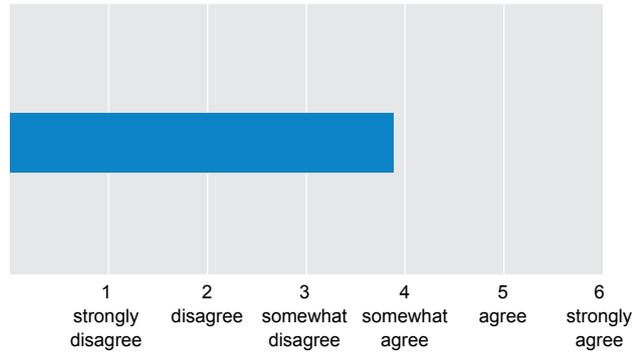
strongly disagree	disagree	somewhat disagree	somewhat agree	agree	strongly agree	n/a	total	weighted average
0.00% 0	0.00% 0	14.29% 1	28.57% 2	57.14% 4	0.00% 0	0.00% 0	7	4.43

**Comments:**

- “Unfortunately some quarters of the Domestic Commercial Vessel (DCV) industry do not value safety, and the industry is many years behind the type and level of regulation which have long been in place in shore based industries”
- “Particularly for SOLAS size”
- “This is still a work in progress and as we are dealing with somewhat of an unknown issue, I am not sure at all we have it about right”
- “There is opportunity under the Government’s deregulation agenda to look at how we approach the regulation of non-convention vessels. The risk-based approach into the future is the contemporary way to move forward. Level of regulation is commensurate with implementation and compliance”

**Q4: AMSA's compliance and monitoring arrangements are well organised and efficient**

Answered: 7 Skipped: 0



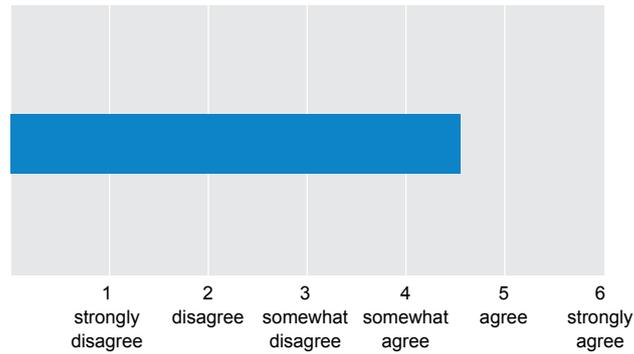
strongly disagree	disagree	somewhat disagree	somewhat agree	agree	strongly agree	n/a	total	weighted average
0.00%	0.00%	14.29%	28.57%	85.71%	0.00%	0.00%	7	3.86
0	0	1	2	6	0	0		

**Comments:**

- “We are yet to effectively take responsibility for this function (commercial domestic vessels). It is largely an unknown. Accessing vessels in operations is much more problematic than international shipping”
- “More harmonization of AMSA resources of all ship types required in the future”
- “I think it not too bad in the current state but am not convinced we have the parameters right for post-July 2017 (*when AMSA assumes full responsibility a national regulator of the domestic commercial fleet*). We have made some efficiency changes which are positive but clearly have some way to go yet”
- “Published compliance and enforcement guidelines/protocols. Risked based approach to compliance monitoring. Challenge with a coordinated approach for domestic vessels into the future”

### Q5: AMSA explains its regulatory decisions well

Answered: 7 Skipped: 0



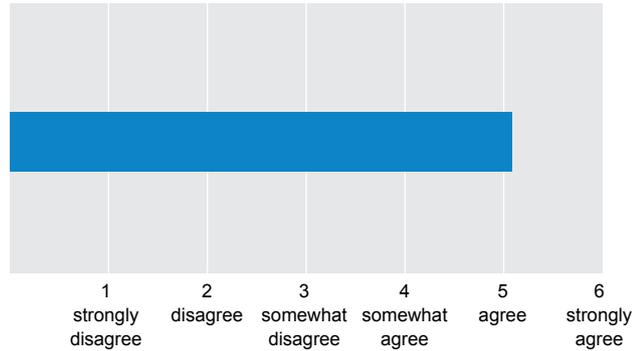
strongly disagree	disagree	somewhat disagree	somewhat agree	agree	strongly agree	n/a	total	weighted average
0.00%	0.00%	0.00%	71.43%	14.29%	14.29%	0.00%	7	4.43
0	0	0	5	1	1	0		

**Comments:**

- “This however, is not always accepted by industry”
- “There will need to be a greater focus in the future on National System vessels and stakeholders to ensure more transparency to as many of the stakeholders as possible”
- “Perhaps at times at a detriment to time management, but we do spend a lot of time explaining. That said, I am concerned that these explanations may be more justifications and so may in fact be too much”
- “AMSA expends considerable effort consulting before decisions are made. This is demonstrated through a number of areas including the Marine Orders consultation process, engagement through our consultative forums, and participation in others”

**Q6: AMSA is always trying to improve maritime regulations to create a safer and more efficient industry**

Answered: 7 Skipped: 0



strongly disagree	disagree	somewhat disagree	somewhat agree	agree	strongly agree	n/a	total	weighted average
0.00%	0.00%	0.00%	14.29%	57.14%	28.57%	0.00%	7	5.14
0	0	0	1	4	2	0		

**Comments:**

- “In Domestic Vessels we are working with an inherited system which has a lot of safety short comings. The speed of change will be constrained by industry’s reluctance to accept higher levels of safe operation”
- “I do believe we have our mind and heart in the right place and so do believe we are “always trying to improve” the outcomes - it is another question as to whether we are 100% successful”
- “We attempt to be forward thinking rather than reactive, examples of this include the routing measures around our coast, areas to be avoided, shipping plans etc. Embedded in our decision making is the impact on industry”

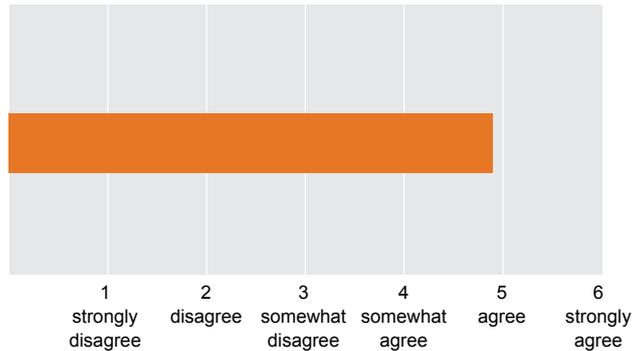
**General Self-Assessment Comments**

- “I think we want to do everything well and for the benefit of industry and positive safety outcomes, but it always becomes a balancing act. I think our risk based approach at the moment is in a somewhat immature state as we are in our infancy with the National System due to experience and knowledge held. I do think when this starts there will be some reassessments and repositioning needed - but I think we acknowledge this now so are ready”
- “A work in progress”
- “At the moment we have two very different groups of stakeholders (convention vs non-convention vessels) to some extent categorized as known and an unknown. Assessment of our performance as ‘One AMSA’ therefore is a challenge at the moment”

### 5.3 AMSA 2015-16 RPF self-assessment validation detailed responses

Q1: The evidenced and my own experience suggests that the self-assessment results against this KPI is a fair and accurate representation of AMSA's performance (Survey question: AMSA helps vessel owners and seafarers safely operate or work on a vessel without getting in the way. Self-assessment result 4.14 'somewhat agree to agree')

Answered: 11 Skipped: 0



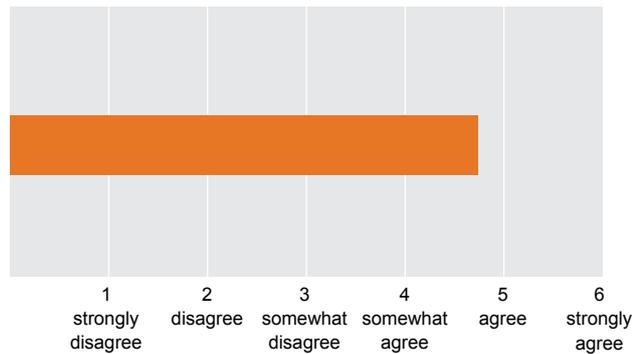
strongly disagree	disagree	somewhat disagree	somewhat agree	agree	strongly agree	n/a	total	weighted average
0.00% 0	10.00% 1	0.00% 0	10.00% 1	60.00% 6	20.00% 3	0.00% 0	11	4.91

**Comments:**

- “Definitely agree that AMSA’s intentions are on target and that they are quick and willing to assist where they can. I have had experience where AMSA would like to do more but are perhaps legally restricted. I would like to see AMSA have more involvement with the ATSB especially in regard to outcomes from investigations in which changes should be identified and implemented to enhance seafarer and operational safety”
- “As a DCV operator in the harbour towage sector we rarely if ever find AMSA anything other than helpful”
- “Assessment is based on a fairly narrow view of AMSA’s interaction with international shipping in Australian ports, but also on personal contact with AMSA surveyors and taking their approach into account”
- “AMSA should ask operators, I am getting feedback from all quarters that they are being most obstructive”
- “I am of the view that AMSA is very focused on pragmatic steps required to improve safety performance in the Australian Maritime zone. There is an inevitable requirement for compliance but it is very much kept in perspective”.

Q2: The evidenced and my own experience suggests that the self-assessment results against this KPI is a fair and accurate representation of AMSA's performance (Survey question: our communications with those we regulate are clear and useful. Self-assessment result 4.33 'somewhat agree to agree')

Answered: 11 Skipped: 0



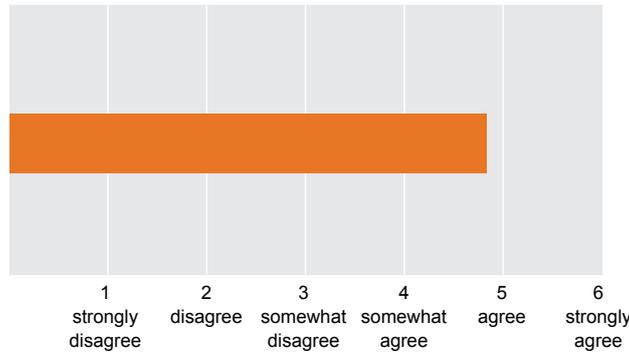
strongly disagree	disagree	somewhat disagree	somewhat agree	agree	strongly agree	n/a	total	weighted average
0.00% 0	10.00% 1	0.00% 0	20.00% 2	60.00% 6	10.00% 2	0.00% 0	11	4.73

**Comments:**

- No doubt AMSA is trying to reach all stakeholders. Some stakeholders may not have communicated with AMSA previously due different jurisdictional regimes and are now faced with their own challenges but the communications and information they require is there via numerous mechanisms and easily available”
- “Mostly but not always, for example revalidation requirements have caused some confusion”
- “Reasons and comments included in the self-assessment are supported by my experience”
- “The challenge of communicating with such a vast stakeholder group is huge and it is inevitable that the agency can never do enough communicating. The self-assessment highlights this challenge. In the case of national law, the amount of change demands that this remains a key objective for AMSA”.

Q3: The evidenced and my own experience suggests that the self-assessment results against this KPI is a fair and accurate representation of AMSA's performance (Survey question: given the risks involved in the industries AMSA regulates, the level of regulation is about right. Self-assessment result 4.43 'somewhat agree to agree')

Answered: 11 Skipped: 0



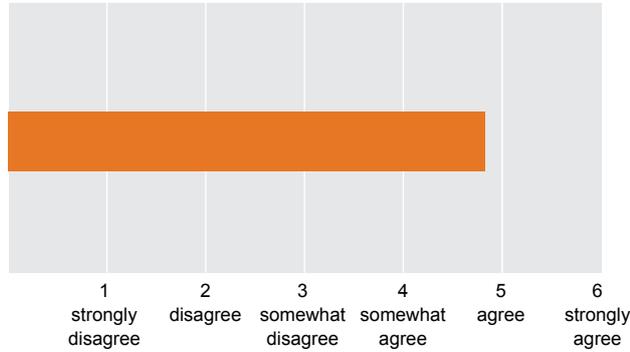
strongly disagree	disagree	somewhat disagree	somewhat agree	agree	strongly agree	n/a	total	weighted average
0.00%	10.00%	0.00%	20.00%	50.00%	20.00%	0.00%	11	4.82
0	1	0	2	5	3	0		

**Comments:**

- “On the industry sectors used to being regulated by AMSA I agree with AMSA’s comments in that they have it right for most sectors. I also agree that some sectors of the DCV industry have to improve in order to meet industry standards. It’s these industry pockets that the level of regulation needs focus”
- “I think internationally AMSA compares very favourably”
- “My response is tentative because of a personal view that a good deal of the regulated shipping community still has a “compliance” mentality and not yet a real appreciation of the risk-based or self-regulated approach”
- “I think that the self-assessment has got this right. At least from my experience”
- “We have some issues with the AMSA management of VGM for containers in terms of random checking as a form of enforcement to manage to risk of mis-declared weights”

Q4: The evidenced and my own experience suggests that the self-assessment results against this KPI is a fair and accurate representation of AMSA's performance (Survey question: AMSA's compliance and monitoring arrangements are well organised and efficient. Self-assessment result 3.86 'somewhat disagree to agree')

Answered: 11 Skipped: 0



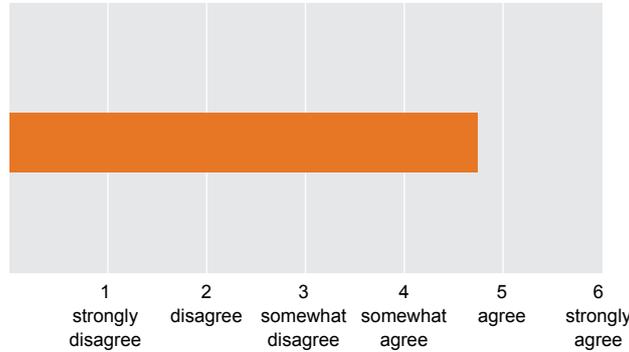
strongly disagree	disagree	somewhat disagree	somewhat agree	agree	strongly agree	n/a	total	weighted average
10.00%	0.00%	0.00%	10.00%	60.00%	20.00%	0.00%	11	4.70
1	0	0	1	6	3	0		

**Comments:**

- “Most activity for international shipping occurs in port making compliance assessments relatively easy to achieve. AMSA has acknowledged the DCV Industry as an issue, as is the Offshore Industry vessels as their main activities are conducted offshore and extremely difficult to monitor”
- “From my knowledge of AMSA's arrangements, streamlined and well organised is an appropriate description”
- “Again it is interesting that the trial group felt that more could be done. I agree with the assessment”
- “Again VGM concerns on this”.

Q5: The evidenced and my own experience suggests that the self-assessment results against this KPI is a fair and accurate representation of AMSA’s performance (Survey question: AMSA explains its regulatory decisions well. Self-assessment result 4.43 ‘somewhat agree to strongly agree’)

Answered: 11 Skipped: 0



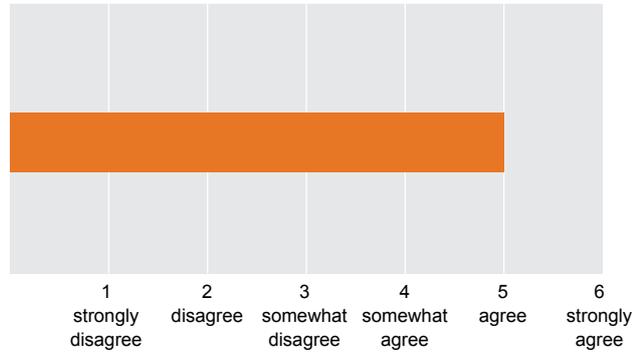
strongly disagree	disagree	somewhat disagree	somewhat agree	agree	strongly agree	n/a	total	weighted average
0.00% 0	10.00% 1	10.00% 1	20.00% 2	30.00% 3	30.00% 4	0.00% 0	11	4.73

**Comments:**

- “I agree that the need for greater focus on national system vessels but their current ignorance is perhaps due to a lack of commitment or a reluctance to change under the new regulatory regime. AMSA does spend considerable time consulting prior to decisions, at times to the frustration to an industry seeking change”
- “Fundamental requirement of the regulator”
- “My experience of this aspect is relatively narrow, but if what I have seen can be taken as representative, this self-assessment is appropriate”
- “To my mind the limited trial response is overly harsh in this assessment. In all the agency is commendably transparent and accessible”

Q6: The evidenced and my own experience suggests that the self-assessment results against this KPI is a fair and accurate representation of AMSA's performance (Survey question: AMSA is always trying to improve maritime regulations to create a safer and more efficient industry. Self-assessment result 5.14 'somewhat agree to strongly agree')

Answered: 11 Skipped: 0



strongly disagree	disagree	somewhat disagree	somewhat agree	agree	strongly agree	n/a	total	weighted average
0.00%	10.00%	0.00%	10.00%	50.00%	30.00%	0.00%	11	5.00
0	1	0	1	5	4	0		

**Comments:**

- “I agree that AMSA always tries to improve and enhance safety through revised regulation. I found the comment that the “speed of change will be constrained due to the reluctance of industry to accept higher levels of safety” needs to be reviewed further. I don’t believe any operator or seafarer disregards the need and importance for safe operations. It’s the connection between safety improvement and regulation that needs to be a focus”
- “World leading in many respects”
- “Based on both contemporary activities and the legacy of considerable history in international regulation, my view is that this aspect is a strong point”
- “Again the limited trial response is overly harsh in this assessment. I am of the view that AMSA is doing well in a difficult and complex environment to improve regulatory frameworks”

**General Self-Assessment Validation Comments**

- “Ports Australia holds AMSA in high regard particularly because, as a regulator, its approach to risk management and industry engagement is very much ahead of those other agencies we deal with. AMSA also embodies a culture that is very cognisant of the necessity to ensure it does not impose unnecessary regulatory costs on industry which ultimately manifest themselves in costs to our trades”
- “I appreciate the opportunity to contribute as a new member of the AAC”
- “The comments in the self-assessment relating to uncertainties around the domestic vessel area appear to be appropriate”
- “Sensible recommendations from AAC should be implemented without prevaricating, posturing and general timewasting”
- “As a new member of the AAC I am struck by the scope and complexity of the obligations that it has. I am further of the view that the agency is well lead and whilst not perfect offers a model for regulators who must focus on outcomes first and then, as appropriate, bring the law upon those who will not ‘play the game’”
- “Overall performance by AMSA is considerably better than its peers in other countries”
- “AMSA operates in an industry subject to high risk and provides regulations and services that are highly respected across the world. AMSA is known as an exemplar provider in the international industry”.

